

# THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

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Washington, Friday, March 25, 1955

## TITLE 3—THE PRESIDENT EXECUTIVE ORDER 10602

DESIGNATING THE SECRETARY OF THE INTERIOR AS THE REPRESENTATIVE OF THE PRESIDENT TO APPROVE THE OBLIGATION AND EXPENDITURE OF CERTAIN MONEYS BY THE GOVERNMENT OF THE VIRGIN ISLANDS

By virtue of the authority vested in me by section 7652 (b) (3) of the Internal Revenue Code of 1954 (Public Law 591, 83rd Congress, 68A Stat. 907), I hereby designate the Secretary of the Interior as the representative of the President to approve the obligation and expenditure by the government of the Virgin Islands of the moneys referred to in the said section 7652 (b) (3).

DWIGHT D. EISENHOWER

THE WHITE HOUSE,  
March 23, 1955.

[F. R. Doc. 55-2512; Filed, Mar. 24, 1955;  
10:22 a. m.]

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

##### DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, paragraph (i) (6) of § 6.302 is revoked and paragraph (i) (4) is amended as set out below.

§ 6.302 *Department of State.* . . .  
(i) *Bureau of International Organization Affairs.* . . .

(4) Two Special Assistants to the Assistant Secretary.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,  
Executive Assistant.

[F. R. Doc. 55-2457; Filed, Mar. 24, 1955;  
8:49 a. m.]

## Chapter IV—Fair Employment Board REVOCATION OF CHAPTER

Because of the abolishment of the Fair Employment Board by Executive Order No. 10590 (20 F. R. 409), Chapter IV is revoked.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,  
Executive Assistant.

[F. R. Doc. 55-2495; Filed, Mar. 24, 1955;  
9:24 a. m.]

## TITLE 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

#### PART 989—HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

##### SCHEDULE OF PAYMENTS TO HANDLERS FOR RECEIVING, STORING, AND HANDLING RESERVE AND SURPLUS TONNAGE RAISINS

Notice was published in the February 26, 1955, issue of the FEDERAL REGISTER (20 F. R. 1224) that the Secretary of Agriculture was considering the approval of a proposed amendment (submitted by the Raisin Administrative Committee) of the schedule of payments to handlers for receiving, storing, and handling reserve and surplus tonnage raisins, as amended (19 F. R. 3217, § 989.202), issued pursuant to the applicable provisions of Marketing Agreement No. 109 and Order No. 89 (7 CFR, 1953 Rev., Part 989) regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, opportunity was afforded all interested persons to file any data, views, or arguments with respect thereto. No such data, views, or arguments were filed within the period provided therefor.

After consideration of all relevant matters pertaining thereto, it is concluded that the amendment hereinafter set forth of the schedule of payments to handlers for receiving, storing, and

(Continued on p. 1797)

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### CFR SUPPLEMENTS (For use during 1955)

The following Supplements are now available:

Title 7: Parts 1-209 (\$0.60)

Title 18 (\$0.50)

Title 49: Parts 91-164 (\$0.50)

Previously announced: Title 3, 1954 Supp. (\$1.75); Titles 30-31 (\$1.25); Title 49: Parts 1-70 (\$0.60); Part 165 to end (\$0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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handling reserve and surplus tonnage raisins, as amended, should be approved.

*It is therefore ordered*, That the aforesaid schedule of payments to handlers for receiving, storing, and handling reserve and surplus tonnage raisins, as amended (19 F. R. 3217, § 989.202), be amended to read as follows:

§ 989.202 *Schedule of payments to handlers for receiving, storing, and handling reserve and surplus tonnage raisins—(a) Payment for crop year of acquisition.* Each handler shall be compensated at the rate of \$3.95 per ton (natural condition weight at the time of acquisition) for receiving, storing, and handling reserve and surplus tonnage raisins acquired during a particular crop year and held by him for the account of the committee during all or any part of the same crop year. Said rate of payment shall apply with respect to each crop year, beginning with the crop year which began on August 15, 1953: *Provided*, That for the reserve tonnage of Sultana raisins acquired during the crop year which began on August 15, 1953, and which was disposed of by the committee prior to March 1, 1954, the rate of \$3.25 per ton (natural condition weight) shall apply. The services for which handlers shall be compensated pursuant to this paragraph shall include all services of receiving, storing, and handling, other than those specified in paragraphs (d) and (e) of this section.

(b) *Additional payment to handlers for surplus tonnage raisins held beyond the crop year which began on August 15, 1953.* Each handler who, on August 15, 1954, held for the account of the committee surplus tonnage raisins acquired during the crop years which began on August 15, 1952, and August 15, 1953, respectively, shall be compensated at the rate of \$1.80 per ton (natural condition weight) of such raisins held on September 30, 1954, for storing and handling during all or any part of the crop year which began on August 15, 1954, such raisins so acquired. The services for which handlers shall be compensated pursuant to this paragraph shall include all services of storing and handling, other than those specified in paragraphs (c), (d), and (e) of this section.

(c) *Payment of rental on boxes containing 1952-53 or 1953-54 surplus pool raisins held on August 15, 1954.* Each handler and each producer who furnished boxes in which 1952-53 or 1953-54 surplus pool raisins were held for the account of the committee on August 15, 1954, shall be compensated for the use of such boxes at the rate of 15 cents for each 160 pounds of raisins so held on September 30, 1954. Such compensation shall be for the use of the boxes through August 14, 1955, or through any earlier date on which the boxes may be released, but payment thereof may be made as soon as this amended schedule becomes effective.

(d) *Payment of allowances for fumigation of reserve and surplus tonnage raisins held for the account of the committee during the 1954-55 crop year.* Each handler shall be paid an allow-

ance for fumigation of \$1.50 per ton of reserve and surplus tonnage raisins acquired during the crop year beginning August 15, 1954, and held by him for the account of the committee during all or any part of such crop year. Also, each handler who, on August 15, 1954, held for the account of the committee 1952-53 or 1953-54 surplus pool raisins shall be paid an allowance for fumigation of 30 cents per ton of such raisins so held on September 30, 1954. These payments of \$1.50 and 30 cents per ton shall be in full compensation to handlers for any costs which may be incurred by them through August 14, 1955, to protect such pool tonnage raisins held for the account of the committee against the increased hazard of possible insect infestation, and such handlers shall fumigate the raisins as frequently as necessary to maintain them in proper condition.

(e) *Payment for other services.* In addition to the payments provided in paragraphs (a), (b), (c) and (d) of this section, handlers shall be compensated for other services performed with respect to reserve and surplus tonnage raisins as follows:

(1) The committee may negotiate with any handlers for transporting reserve or surplus tonnage raisins, but such transportation shall not include that of delivering such raisins from producers to the handlers' premises at which they are held for the account of the committee. Payment for such transportation shall be in an amount based on prevailing haulage rates for the type of transportation required.

(2) A handler who accepts an offer by the committee to pack reserve or surplus tonnage raisins for its account shall be compensated for such packing in an amount determined by the committee, which amount shall be specified in the offer. Such payments shall be with respect to each offer to handlers for contract packing, and the factors to be considered shall include, but not be limited to, the particular varietal type of raisins to be packed, the particular pack or package required, and the quality of the raisins to be packed. The amount of any such payment shall apply uniformly to all handlers who accept all or part of their respective pro rata shares of any such offer.

It is hereby found and determined that good cause exists for not postponing the effective date of said amendment of the schedule of payments to handlers for 30 days, or any lesser period, after the date of publication of this document in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) because: (1) The revised schedule of payments to handlers is applicable to reserve and surplus tonnage raisins held by handlers during the current crop year as set forth in this section, as amended; (2) the committee has made, and now is making, disposition of substantial quantities of such raisins and it is desirable that handlers be paid promptly for the services performed by them with respect to the raisins; and (3) compliance with this



section, as amended, will not require any special preparation on the part of either the committee or handlers.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued this 22d day of March 1955, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,  
Deputy Administrator,  
Marketing Services.

[F. R. Doc. 55-2465; Filed, Mar. 24, 1955;  
8:52 a. m.]

#### PART 989—HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

##### BUDGET OF EXPENSES OF RAISIN ADMINISTRATIVE COMMITTEE AND RATE OF ASSESSMENT FOR 1954-55 CROP YEAR

Notice was published in the March 3, 1955, issue of the FEDERAL REGISTER (20 F. R. 1319) that the Secretary of Agriculture was considering a proposed rule to approve a budget of expenses for the Raisin Administrative Committee for the 1954-55 crop year, and fix a rate of assessment for such year. The budget of expenses and rate of assessment were proposed after consideration of the recommendation with respect thereto submitted by said committee, and other information available to the Secretary, in accordance with the provisions of Marketing Agreement No. 109 and Order No. 89 (7 CFR, 1953 Rev., Part 989) regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, opportunity was afforded all interested persons to file any data, views, or arguments with respect thereto. No such data, views, or arguments were filed within the period provided therefor.

After consideration of all relevant matters pertaining thereto, including the recommendation of the Raisin Administrative Committee, it is hereby found and determined, and it is, therefore, ordered, that the budget of expenses for the Raisin Administrative Committee, and the rate of assessment, for the crop year beginning August 15, 1954, shall be as follows:

§ 989.305 *Budget of expenses of the Raisin Administrative Committee and rate of assessment for the 1954-55 crop year—(a) Budget of expenses.* Expenses in the amount of \$66,960 are reasonable and are likely to be incurred by the Raisin Administrative Committee for its maintenance and functioning and the maintenance and functioning of the Raisin Advisory Board for the crop year beginning August 15, 1954.

(b) *Rate of assessment.* Each handler shall pay to the Raisin Administrative Committee, in accordance with the marketing agreement and order, an assessment rate of 48 cents for each ton of free tonnage raisins acquired by him, and for each ton of reserve tonnage raisins sold to him by the committee, dur-

ing the crop year beginning August 15, 1954, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby found and determined that good cause exists for not postponing the effective date of the order with respect to the aforesaid budget of expenses and rate of assessment for 30 days, or any lesser period, after publication of it in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that: (1) The rate of assessment hereby fixed is applicable to raisins acquired by handlers during the current crop year as set forth in this section; (2) it is essential that the Raisin Administrative Committee be enabled to obtain assessment funds promptly to defray expenses of administering the program; and (3) compliance with this section will not require any special preparation on the part of handlers.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued this 22d day of March 1955, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,  
Deputy Administrator,  
Marketing Services.

[F. R. Doc. 55-2464; Filed, Mar. 24, 1955;  
8:51 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

#### Subchapter A—Civil Air Regulations

[Supp. 6]

#### PART 16—AIRCRAFT RADIO EQUIPMENT AIRWORTHINESS

##### ENVIRONMENT TEST PROCEDURES FOR AIRBORNE RADIO EQUIPMENT

This supplement changes the reference number of the RTCA Paper in § 16.30-3 and clarifies the modification procedures of that section.

Section 16.30-3 as it appeared in 17 F. R. 11380, December 17, 1952, is revised to read as follows:

§ 16.30-3 *Environmental test procedures for airborne radio equipment (CAA policies which apply to § 16.30 (c)).*

(a) Environmental test procedures are used to provide a laboratory means of determining the reliability of airborne radio equipment by evaluating its performance under conditions representative of those which are encountered in actual aeronautical operations. In performing these tests, the environmental test procedures contained in Radio Technical Commission for Aeronautics' paper entitled "Environmental Test Procedures—Airborne Radio Equipment" (Paper 100-54/DO-60 dated April 13, 1954) should be used on newly designed equipment submitted for type certification approval. Paper 100-54/DO-60 outlines environmental test procedures for equipment designed to operate under three different temperature ranges as specified therein under Procedures A, B, and C. Only Procedure A or B, whichever is

applicable, is to be used for type certification purposes.

(b) Radio equipment type certificated wholly in accordance with this part may be modified by either of the following methods:

(1) In accordance with this part or,  
(2) In accordance with this part but substituting the environmental test procedures of RTCA Paper 100-54/DO-60 in lieu of similar tests in this part. Of the low temperature and altitude test portion of the RTCA Paper only Procedures A and B are applicable.

(c) Radio equipment type certificated in accordance with this part but substituting the environmental test procedures of either RTCA Paper 50-54/DO-44 or Paper 100-54/DO-60 in lieu of similar tests in this part should have any modifications accomplished in accordance with this part and RTCA Paper 100-54/DO-60. Procedure A or B of this paper, whichever was used in the original certification, should be used in the modification.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007 as amended, 1009 as amended; 49 U. S. C. 551, 553)

This supplement shall become effective April 15, 1955.

[SEAL] F. B. LEE,  
Administrator of Civil Aeronautics.

[F. R. Doc. 55-2417; Filed, Mar. 24, 1955;  
8:45 a. m.]

[Supp. 5]

#### PART 27—AIRCRAFT DISPATCHER CERTIFICATES

##### MISCELLANEOUS AMENDMENTS

This supplement makes minor revisions in CAA rule § 27.7-1 (b) (2), and CAA policy § 27.30-1, which implement Part 27 of the Civil Air Regulations. The general term "simulated instrument flight" is substituted for the specific reference to "Link Trainer" in § 27.7-1 (b) (2). This substitution will permit air agencies conducting flight dispatcher courses, greater latitude in the teaching of simulated instrument flight.

The requirement that the applicant successfully complete the Morse code provisions of the practical examination is deleted from § 27.30-1. This requirement is adequately covered in other provisions of Civil Aeronautics Manual 27.

The revision of CAA rule § 27.7-1 (b) (2) is minor in nature; therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary and not required.

1. Section 27.7-1 (b) (2) is revised by substituting in the minimum course requirements of the section the term "simulated instrument flight" for "Link Trainer."

2. Section 27.30-1 (b), published on December 1, 1954, in 19 F. R. 7871, is revised by substituting "five sections" for "six sections" and deleting subparagraph (2) "Morse code signals."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552)



This supplement shall become effective April 15, 1955.

F. B. LEE,

Administrator of Civil Aeronautics.

[F. R. Doc. 55-2421; Filed, Mar. 24, 1955; 8:46 a. m.]

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 2]

### PART 414—FEES FOR COPYING, CERTIFICATION AND SEARCH OF RECORDS

#### ACCEPTABLE REMITTANCE

General Accounting Office Regulation No. 87, Supplement 4 dated August 12, 1954, authorized Federal Agencies to instruct remitters to make checks payable to a specific organizational unit of an Agency or Department. Therefore, § 414.4 as published in 19 F. R. 3998, July 1, 1954, and amended in 19 F. R. 7403, November 17, 1954, is further amended as follows:

§ 414.4 *Acceptable remittance.* Checks, drafts, or postal money orders made payable to CAA, Department of Commerce are acceptable as payment for the fees listed in this part.

(56 Stat. 1067, 65 Stat. 290; 5 U. S. C. 606, 140)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL]

F. B. LEE,

Administrator of Civil Aeronautics.

[F. R. Doc. 55-2418; Filed, Mar. 24, 1955; 8:45 a. m.]

[Amdt. 52]

### PART 600—DESIGNATION OF CIVIL AIRWAYS

#### ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required. Part 600 is amended as follows:

1. Section 600.18 *Green civil airway No. 8 (Cold Bay, Alaska to Northway, Alaska)* is amended between Cold Bay and Anchorage, Alaska to read: "From the Cold Bay, Alaska radio range station via the King Salmon, Alaska, radio range and the west course of the Homer, Alaska, radio range; the intersection of the northeast course of the King Salmon, Alaska, radio range and the southwest course of the Kenai, Alaska, radio range; Kenai, Alaska, radio range station; the intersection of the northeast course of the Kenai, Alaska, radio range and the west course

of the Anchorage (Merrill), Alaska, radio range to the Anchorage (Merrill), Alaska, radio range station."

2. Section 600.240 is amended to read:

§ 600.240 *Red civil airway No. 40 (Kodiak, Alaska, to Anchorage, Alaska).* From the Kodiak, Alaska, radio range station via the intersection of the north course of the Kodiak, Alaska, radio range and the southwest course of the Homer, Alaska, radio range; Homer, Alaska, radio range station; the intersection of the northeast course of the Homer, Alaska, radio range and the southwest course of the Anchorage, Alaska, radio range to the Anchorage, Alaska, radio range station.

3. Section 600.665 is amended to read:

§ 600.665 *Blue civil airway No. 65 (Shuyak, Alaska, to Homer, Alaska).* From the intersection of the north course of the Kodiak, Alaska, radio range and the southwest course of the Homer, Alaska, radio range via the intersection of the west course of the Homer, Alaska, radio range and the southwest course of the Kenai, Alaska, radio range to the Homer, Alaska, radio range station.

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. March 29, 1955.

F. B. LEE,

Administrator of Civil Aeronautics.

[F. R. Doc. 55-2419; Filed, Mar. 24, 1955; 8:45 a. m.]

[Amdt. 52]

### PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

#### ALTERATIONS

The control area and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.665 is amended by changing caption to read: "*Blue civil airway No. 65 control areas (Shuyak, Alaska, to Homer, Alaska)*."

2. Section 601.4018 is amended to read:

§ 601.4018 *Green civil airway No. 8 (Cold Bay, Alaska, to Northway, Alaska).* King Salmon, Alaska, radio range station; the intersection of the northeast course of the King Salmon, Alaska, radio range and the southwest course of the Iliamna, Alaska, radio range; the intersection of the southeast course of the Iliamna, Alaska, radio range and the west course of the Homer, Alaska, radio range; the intersection of the southwest course of the Kenai, Alaska, radio range

and the west course of the Homer, Alaska, radio range; Kenai, Alaska, radio range station; the intersection of the northeast course of the Kenai, Alaska, radio range and the west course of the Anchorage (Merrill), Alaska, radio range; the intersection of the northeast course of the Anchorage, Alaska, radio range and the southeast course of the Skwentna, Alaska, radio range; Gulkana, Alaska, radio range station; Northway, Alaska, radio range station.

3. Section 601.4240 is amended to read:

§ 601.4240 *Red civil airway No. 40 (Kodiak, Alaska, to Anchorage, Alaska).* Kodiak, Alaska, radio range station; Shuyak, Alaska, nondirectional radio beacon; Homer, Alaska, radio range station; the intersection of the east course of the Kenai, Alaska, radio range and the southwest course of the Anchorage, Alaska, radio range; Anchorage, Alaska, radio range station.

4. Section 601.4665 is amended by changing caption to read: "*Blue civil airway No. 65 (Shuyak, Alaska, to Homer, Alaska)*."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1107, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., March 29, 1955.

F. B. LEE,

Administrator of Civil Aeronautics.

[F. R. Doc. 55-2420; Filed, Mar. 24, 1955; 8:45 a. m.]

## TITLE 36—PARKS, FORESTS, AND MEMORIALS

### Chapter I—National Park Service, Department of the Interior

#### PART 20—SPECIAL REGULATIONS

##### YELLOWSTONE NATIONAL PARK; CLOSED WATERS

Subparagraph (4) *Closed waters* of paragraph (e), § 20.13 *Yellowstone National Park*, is amended to read as follows:

(4) *Closed waters.* The following waters of the Park are closed to fishing:

Indian Creek, Panther Creek, Duck Lake, Arnica Creek, a tributary of Yellowstone Lake. Mammoth water supply reservoir. Yellowstone River for a distance of 250 yards on either side of the center of the Yellowstone Cascades. Firehole River, from the Old Faithful water supply intake to the Shoshone Lake Trail crossing above Lone Star Geyser. Gardner River for its entire length above the Mammoth water supply intake near the mouth of Panther Creek. Glen Creek for its entire length above the Mammoth water supply intake at the base of Bunsen Peak.

(Sec. 3, 39 Stat. 535, as amended, sec. 209, 48 Stat. 205; 16 U. S. C. 3, 40 U. S. C. 409)

Issued this 23d day of February 1955.

[SEAL]

WARREN F. HAMILTON,  
Acting Superintendent,  
Yellowstone National Park.

[F. R. Doc. 55-2425; Filed, Mar. 24, 1955; 8:46 a. m.]



## TITLE 46—SHIPPING

## Chapter I—Coast Guard, Department of the Treasury

[CGFR 55-1]

## MISCELLANEOUS AMENDMENTS TO CHAPTER

A notice regarding proposed changes in the navigation and vessel inspection rules and regulations was published in the *FEDERAL REGISTER* dated August 20, 1954 (19 F. R. 5315-5319), as Item I to XVII, inclusive, on the Agenda to be considered by the Merchant Marine Council, and a public hearing was held on September 21, 1954.

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing have been very helpful to the Coast Guard and are very much appreciated. On the basis of the information received certain proposed regulations were revised. It is regretted that individual acknowledgment of the many comments received and Coast Guard's actions taken is not possible because personnel is not available.

The proposed regulations regarding transportation of inflammable or combustible liquids having lethal characteristics which were considered as a part of Item V are being held in abeyance pending further amendments to 46 CFR Part 39 which will be considered at a public hearing scheduled for March 22, 1955.

The proposed amendment to 46 CFR 35.30-20, regarding emergency equipment, is being held in abeyance for further consideration.

The following items considered at the public hearing held September 21, 1954, as revised, are adopted and included in this document:

Item IV—Electrical Equipment and Installations for Tank Vessels.

Item V—Miscellaneous Tank Vessel Regulation Changes and Additions.

Item VII—Application of Vessel Inspection Regulations.

This document is the fifth of a series containing the rules and regulations considered at the public hearing held September 21, 1954. The other documents published are in *FEDERAL REGISTER* dated November 30, December 14, and December 18, 1954 (19 F. R. 7721, 8513, 8691).

The amendments to 46 CFR 24.05-1 (a), 30.01-5, 70.05-1 (a), 90.05-1 (a), and 110.05-1, revise the description of application of the navigation and vessel inspection regulations. The major change makes the Electrical Engineering Regulations applicable to tank vessels constructed on or after November 19, 1955. These amendments are based on Item VII in the Agenda.

The amendment to 46 CFR 30.10-25, regarding the definition of a flame screen, will require a fitted flame screen. The new definition of international voyage has been added as 46 CFR 30.10-36. The policy regarding the use of equivalents for materials or equipment specified in detail has been added as 46 CFR 30.15-1. These amendments are based on Item V in the Agenda.

When the Electrical Engineering Regulations were promulgated in 1952, these

requirements were not made specifically applicable to tank vessels because of special problems involved. These problems have been studied with various groups from industry and with others concerned with electrical problems on board tank vessels. The proposed amendments in Item IV of the Agenda were recommended as a result of this study. The recommendations in Item IV were the subject of many comments which have been very helpful to the Coast Guard. The changes in the Tank Vessel Regulations and the Electrical Engineering Regulations, as set forth in this document, reflect the view that the general requirements for electrical installations and equipment applicable to tank vessels will be in 46 CFR Parts 31 to 35, inclusive, while the detailed requirements will be contained in 46 CFR Parts 110 to 113, inclusive.

The amendments to 46 CFR 31.01-1, 31.05-1, 31.10-5, 31.35-1, and 31.35-5, revise the requirements regarding inspection and certification with respect to electrical engineering. These amendments are based on Item IV in the Agenda.

The amendments to 46 CFR 31.01-1 (c), (d), 31.10-15 (c), 31.05-15, 31.10-30, 31.10-31, and 31.40-1, are miscellaneous amendments to the inspection and certification regulations for tank vessels in order to bring these requirements up to date and into agreement with the 1948 Convention for the Safety of Life at Sea. These amendments are based on Item V in the Agenda.

The amendments to 46 CFR 32.15-5, 32.15-20, and 32.15-25, regarding navigation equipment, revise these requirements and contain appropriate references to specific regulations in 46 CFR Parts 110 to 113, inclusive, in Subchapter J (Electrical Engineering). The amendments to 46 CFR 32.25-1, 32.25-5, and 32.25-10, regarding general alarm systems, revise these requirements and contain appropriate references to the general electrical requirements in 46 CFR Subchapter J (Electrical Engineering). The amendments to 32.30-1, 32.30-5, and 32.30-10, regarding sound powered telephone, voice tube and engine order telegraph systems, revise these requirements and contain appropriate references to the detailed requirements in 46 CFR Subchapter J (Electrical Engineering). The amendments to 46 CFR 32.35-15, 32.40-1, 32.45-1, 32.45-5, 32.45-10, 32.60-10, 32.60-20, 32.65-20, and 32.70-15, regarding electrical installations, revise these requirements so that specific details regarding electrical installations will be in 46 CFR Subchapter J (Electrical Engineering), while general requirements will be in these Tank Vessel Regulations. These amendments are based on Item IV in the Agenda.

The amendments to 46 CFR 32.01-10, regarding rails, 32.05-1, regarding draft marks, 32.15-20, regarding radiotelegraph and radiotelephone, 32.55-20 to 32.55-30, inclusive, regarding venting of cargo tanks, and 32.60-10, regarding segregation of cargo, are miscellaneous changes considered necessary to clarify and to bring up to date these regulations.

These amendments are based on Item V of the Agenda.

The amendments to 46 CFR 33.05-1 (c), regarding lifeboats for tank ships, 33.15-1 to 33.15-90, regarding equipment for lifeboats, life rafts, or buoyant apparatus, 33.20-1 (c) (4), regarding means for preventing discharge water into lifeboats while being lowered, 33.25-1, and 33.25-15, regarding preparation for voyage, 33.30-1 to 33.30-5, regarding manning of lifeboats, 33.40-1 to 33.40-15, regarding ring life buoys and water lights, 33.45-1, and 33.45-10, regarding distress signals, are miscellaneous amendments to bring the regulations up to date and in agreement with the 1948 Convention for the Safety of Life at Sea. These amendments are based on Item V in the Agenda.

The amendments to 46 CFR 33.20-1 (c) (3), regarding illumination for the launching gear and lifeboats, and 33.50-1, regarding the signaling lamp, revise these requirements and include appropriate references to the detailed requirements in 46 CFR Subchapter J (Electrical Engineering). These amendments are based on Item IV in the Agenda.

The amendment to 46 CFR 34.05-1 (e) adds requirements regarding hydrostatic testing of CO<sub>2</sub> bottles carried aboard tank vessels. This amendment is based on Item V in the Agenda.

The amendments to 46 CFR 35.01-5 (c), regarding electric wiring in crew quarters, 35.30-30, regarding portable electric equipment, 35.30-35, regarding spark producing devices, and 35.40-1, regarding general alarm contact maker, revise and bring up to date requirements regarding electrical engineering for tank vessels. These amendments are based on Item IV in the Agenda.

The amendments to 46 CFR 35.01-20, regarding pilot ladders, 35.10-5, regarding emergency signals, 35.25-15, regarding carrying of excess steam, 35.25-20, regarding breaking of safety valve seal, 35.35-1, regarding manning of barges, 35.35-65, regarding cargo handling, and 35.40-20 to 35.40-30, regarding marking for certain equipment, are miscellaneous changes to bring the regulations up to date and in agreement with practices followed in the merchant marine. These amendments are based on Item V in the Agenda.

The requirements governing the bulk transportation of liquefied petroleum gases in 46 CFR Part 38 have been revised in their entirety. Some of the changes made in the regulations are intended to make these requirements compatible with similar requirements governing the transportation for other compressed gases. These amendments are based on Item V in the Agenda.

The Electrical Engineering Regulations in 46 CFR Parts 110 to 113, inclusive, have been revised in order that specific details governing electrical equipment and installations will be applicable when such installations or equipment are made on board tank vessels.

The amendments to 46 CFR 110.15-145 and 110.15-190 revise the definitions for the various types of vessels subject to regulations. These amendments are based on Item IV in the Agenda.



The amendments to 46 CFR 111.05-10 (b), regarding testing and inspection, 111.10-15 (h), regarding fire extinguishing systems for generators, 111.50-5, regarding ship's service power circuits, for ventilation systems, 111.50-15 (e), regarding lifeboat flood lights, 111.60-40 (a), regarding wiring methods and materials for hazardous locations, 111.65-40, regarding special requirements of electric power-operated lifeboat winches, 111.70-1 to 111.70-90, inclusive, regarding special requirements for tank vessels, are changes necessary to revise the Electrical Engineering Regulations so that they will be applicable to tank vessels. These amendments are based on Item IV in the Agenda.

The amendment to 46 CFR 112.05-1, regarding Table 112.05-1 (a), revises the application so that this table will apply to tank vessels. This amendment is based on Item IV in the Agenda.

46 CFR 113.25-5 (b), regarding the operation of the general alarm system, clarifies the requirements regarding the operation of the general alarm system. This amendment is based on Item IV in the Agenda.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order 167-14, dated November 26, 1954 (19 F. R. 8026), to promulgate regulations in accordance with the statutes cited with the regulations below, *It is ordered*, That:

(a) All the amendments to regulations containing specific dates shall become effective on the dates set forth in the regulations; and

(b) All the other amendments to regulations (which are not covered by paragraph (a), above) are prescribed and shall become effective 90 days after the date of publication of this document in the FEDERAL REGISTER.

#### Subchapter C—Uninspected Vessels

#### PART 24—GENERAL PROVISIONS

##### SUBPART 24.05—APPLICATION

Section 24.05-1 is amended by revising footnotes 1 and 6 in Table 24.05-1 (a) to read as follows:

§ 24.05-1 *Vessels subject to the requirements of this subchapter.* \* \* \*

##### TABLE 24.05-1 (a)

\* Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering) and N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter are also applicable under certain conditions.

\* Vessels covered by Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of inflammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the inflammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

(R. S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U. S. C. 375, 416, 526p)

#### Subchapter D—Tank Vessels

#### PART 30—GENERAL PROVISIONS

##### SUBPART 30.01—ADMINISTRATION

Section 30.01-5 is amended by revising paragraph (a) and footnotes 1 and 6 in Table 30.01-5 (d) to read as follows:

§ 30.01-5 *Application of regulations—TB/ALL.* (a) The regulations in this subchapter contain requirements for materials, design, construction, inspection, manning, and operation of tank vessels, including handling and stowage of cargo and duties of officers and crew. However, vessels certificated as passenger, cargo or miscellaneous vessels, where the principal purpose or use of the vessel is not for the carriage of inflammable or combustible liquid cargo in bulk, may be granted a permit to carry limited quantities of inflammable or combustible liquid cargo in bulk in the grades indicated:

(1) Passenger vessels—Grade E.

(2) Cargo vessels—Grade D or E.

(3) Miscellaneous vessels such as cable, salvage, pile driving, and oil drilling rig vessels—Grade B and lower when specially authorized by the Commandant.

##### TABLE 30.01-5 (d)

\* Subchapters E (Load Lines); F (Marine Engineering); J (Electrical Engineering); and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter are also applicable under certain conditions.

\* Vessels covered by Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of inflammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the inflammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

##### SUBPART 30.10—DEFINITIONS

1. Section 30.10-25 is amended to read as follows:

§ 30.10-25 *Flame screen—TB/ALL.* The term "flame screen" means a fitted single screen of corrosion-resistant wire of at least 30 by 30 mesh, or two fitted screens, both of corrosion-resistant wire, of at least 20 by 20 mesh, spaced not less than ½ inch or more than 1½ inches apart.

2. Part 30 is amended by adding a new § 30.10-36 reading as follows:

§ 30.10-36 *International voyage.* An international voyage as applied to United States vessels includes voyages between United States ports and ports outside the United States as well as between United States Continental ports and ports in the Territory of Alaska, Commonwealth of Puerto Rico, Territory of Hawaii, the Panama Canal Zone, or any other separate portion of the United States constituting a possession or held under a protectorate or mandate. However, vessels solely navigating the Great Lakes and their connecting and tributary

waters as far east as the exit of the Lachine Canal at Montreal, in the province of Quebec, Canada, shall not be considered as on an international voyage for the purpose of the regulations contained in this subchapter.

##### SUBPART 30.15—EQUIVALENTS

Part 30 is amended by adding a new Subpart 30.15, consisting of § 30.15-1, reading as follows:

§ 30.15-1 *Conditions under which equivalents may be used—TB/ALL.* (a) Where in this subchapter it is provided that a particular fitting, appliance, apparatus, or equipment, or type thereof, shall be fitted or carried in a vessel, or that any particular arrangement shall be adopted, the Commandant may accept in substitution therefor any other fitting, apparatus, or equipment, or type thereof, or any other arrangement: *Provided*, That he shall have been satisfied by suitable trials that the fitting, appliance, apparatus, or equipment, or type thereof, or the arrangement is at least as effective as that specified in this subchapter.

(b) In any case where it is shown to the satisfaction of the Commandant that the use of any particular equipment, apparatus, or arrangement not specifically required by law is unreasonable or impracticable, the Commandant may permit the use of alternate equipment, apparatus, or arrangement to such an extent and upon such conditions as will insure, to his satisfaction, a degree of safety consistent with the minimum standards set forth in this subchapter.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 676; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

#### PART 31—INSPECTION AND CERTIFICATION

##### SUBPART 31.01—GENERAL

Section 31.01-1 is amended to read as follows:

§ 31.01-1 *Inspections required—TB/ALL.* (a) Every tank vessel subject to the regulations in this subchapter shall be inspected annually, or oftener if necessary, by the Coast Guard to see that the hull, boilers, machinery, equipment, apparatus for storage, and appliances of the vessel comply with the marine inspection laws, and the regulations in this subchapter, and Subchapter E (Load Lines), Subchapter F (Marine Engineering), Subchapter J (Electrical Engineering), and Subchapter Q (Specifications) of this chapter, where applicable.

(b) In the inspection of hulls of tank vessels, the marine inspector will carefully inspect every accessible part of the hull and will examine the wood or metal of which the hull is constructed to determine its condition, making all necessary hammer tests of hulls constructed of iron or steel. If the marine inspector shall not have satisfactory evidence of the soundness of the hull of a wooden tank vessel, the Officer in Charge, Marine Inspection, shall not issue a certificate of inspection until such hull has been bored or opened up to the inspector's satisfaction.



(c) All radio installations, including fixed and portable radios for lifeboats, and radio direction finders shall be installed in accordance with the regulations of the Federal Communications Commission.

(d) Tank vessels while laid up and dismantled and out of commission are exempt from any or all inspections required by law or regulations in this subchapter.

#### SUBPART 31.05—CERTIFICATES OF INSPECTION

1. Section 31.05-1 (a) is amended to read as follows:

§ 31.05-1 *Issuance of certificate of inspection—TB/ALL.* (a) When a tank vessel is found to comply with law and the regulations in this subchapter, and Subchapter E (Load Lines), Subchapter F (Marine Engineering), Subchapter J (Electrical Engineering), and Subchapter Q (Specifications) of this chapter, a certificate of inspection shall be issued to it, or to its owners, by the Officer in Charge, Marine Inspection.

2. Part 31 is amended by adding a new § 31.05-15 reading as follows:

§ 31.05-15 *Certificate of inspection; terms; endorsements—TB/ALL.* The terms, endorsements and conditions set forth on a certificate of inspection shall have the same force and effect as the regulations contained in this subchapter.

#### SUBPART 31.10—INSPECTIONS

1. Section 31.10-5 (a) is amended to read as follows:

§ 31.10-5 *Inspection of new tank vessels—TB/ALL.* (a) *Plans.* Triplicate copies of contract plans and specifications shall be forwarded to the Officer in Charge, Marine Inspection, in whose district the construction will take place, for submission to Headquarters for approval, but if the tank vessel is to be classed, such plans and specifications shall first be approved by a recognized classification society. If the plans and specifications are found to be in substantial agreement with the regulations in this chapter, they shall be approved, properly stamped and dated and distributed as follows: one set to owner or builder; one set to Officer in Charge, Marine Inspection, of the district in which the vessel is to be built; and one set shall be retained at Headquarters. If such plans and specifications are not approved, Headquarters shall notify the owner or builder promptly wherein they fail to comply with the regulations in this chapter. For list of electrical plans see § 111.05-5 of Subchapter J (Electrical Engineering) of this chapter.

2. Section 31.10-15 is amended by adding a new paragraph (c) reading as follows:

§ 31.10-15 *Annual inspection—TB/ALL.* \* \* \*

(c) All radio installations, including fixed and portable radios for lifeboats and radio direction finders shall be inspected in accordance with the regulations of the Federal Communications Commission.

3. Section 31.10-30 is amended to read as follows:

§ 31.10-30 *Stability requirements—TB/ALL.* (a) *Application.* The provisions of this section shall apply to the following tank vessels:

(1) Any tank ship of 500 gross tons and over on an international voyage, construction or conversion of which is started on or after November 19, 1952.

(2) Any other vessel whose stability is questioned by the Commandant or the Officer in Charge, Marine Inspection.

(b) *Stability test.* (1) Except as otherwise provided, each tank vessel to which this section pertains shall be subjected to a stability test conducted under the supervision of the Coast Guard and the results of the test shall be approved before the vessel is placed in service.

(2) The Commandant may allow the stability test of a tank vessel to be dispensed with provided basic stability data are available from the stability test of a sister vessel and it is shown to the satisfaction of the Commandant that reliable stability information for the exempted vessel can be obtained from such basic data.

(c) *Plans required.* The following plans are essential for use in conducting the stability test and determining the results, and if these plans have not been previously submitted they shall be made available at the time of the test:

Lines plan.  
Curves of form.  
General arrangement plan of all decks and levels.  
Inboard and outboard profile.  
Midship section.  
Capacity plan showing capacities and vertical and longitudinal centers of gravity of all tanks and cargo spaces.  
Tank sounding tables.  
Draft mark locations.

(d) *Information supplied to master.*

(1) Based on the results of the stability test, information shall be prepared by the owners, approved by the Commandant and furnished to the master which sets forth the stability data necessary to permit efficient handling of the vessel. In general, this information shall be such that the master can readily determine the metacentric height and determine the freeboard for any condition of loading.

(2) In the case of a tank vessel which due to its design or type of service, etc., requires special consideration of its stability characteristics, the information shall also include an indication of any operating conditions which must be maintained to assure the safety of the vessel.

(e) *Stability letter.* (1) Each tank vessel subject to the requirements of this section shall have posted under glass in the pilothouse a stability letter issued by the Coast Guard before the vessel is placed in service.

(2) The stability letter shall set forth the master's responsibility for maintaining satisfactory stability conditions at all times, and will contain a reference to the latest approved stability information.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416.

Interpret or apply sec. 3, 68 Stat. 676; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

4. Section 31.10-31 *Stability tests—T/OC* is canceled.

Part 31 is amended by adding two new Subparts 31.35 and 31.40, consisting of §§ 31.35-1, 31.35-5, and 31.40-1, reading as follows:

#### SUBPART 31.35—ELECTRICAL ENGINEERING

Sec.  
31.35-1 Electrical installations, lighting and power equipment, batteries, etc.—*TB/ALL.*  
31.35-5 Communications—alarm systems, telephone and voice tube systems, engine telegraph systems, etc.—*TB/ALL.*

#### SUBPART 31.40—CONVENTION CERTIFICATES

31.40-1 Certificates required—*T/OCB.*

*AUTHORITY:* §§ 31.35-1 to 31.40-1 issued under R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 676; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

#### SUBPART 31.35—ELECTRICAL ENGINEERING

§ 31.35-1 *Electrical installations, lighting and power equipment, batteries, etc.—TB/ALL.* All tank vessels are subject to the regulations contained in Subchapter J (Electrical Engineering) of this chapter except as such regulations are modified by the regulations in this subchapter for tank vessels.

§ 31.35-5 *Communications; alarm systems, telephone and voice tube systems, engine telegraph systems, etc.—TB/ALL.* All tank vessels are subject to the regulations contained in Subchapter J (Electrical Engineering) of this chapter except as such regulations are modified by the regulations in this subchapter for tank vessels.

#### SUBPART 31.40—CONVENTION CERTIFICATES

§ 31.40-1 *Certificates Required—T/OCB.* All tank ships of 500 gross tons and over engaged in an international voyage, and meeting the requirements of this subchapter shall be issued and keep posted a safety equipment certificate, and where applicable, a safety radiotelegraphy certificate, a safety radiotelephony certificate and/or an exemption certificate in accordance with the requirements of the International Convention for Safety of Life at Sea, 1948, Chapter I, Regulations 11 through 19.

#### PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

##### SUBPART 32.01—SAFETY REQUIREMENTS

Section 32.01-10 is amended to read as follows:

§ 32.01-10 *Rails—TB/ALL.* (a) All tank vessels, except unmanned tank barges, the construction or conversion of which is started on or after November 19, 1955, shall be fitted with fixed or portable rails on decks and bridges. All rails shall be in at least two courses, including the top, and shall be at least 36 inches high and in no case shall the clear space between courses exceed 18 inches. Rails shall consist of solid or tubular sec-



tions or chains or wire rope or a combination thereof.

(b) For all tank vessels, except those navigating the rivers only, the construction or conversion of which was started after September 11, 1946, and prior to November 19, 1955, rails on decks or bridges shall be in at least two courses, including the top, and shall be at least 36 inches high.

#### SUBPART 32.05—MARKINGS

Section 32.05-1 is amended to read as follows:

§ 32.05-1 *Draft marks—TB/ALL.* (a) All tank vessels of 50 gross tons and over shall have the draft of the vessel plainly and legibly marked upon the stem and upon the sternpost or rudderpost or at any place at the stern of the vessel as may be necessary for easy observance. The draft shall be taken from the bottom of the keel at the marks to the surface of the water, the bottom of the mark to indicate the draft in feet.

(b) In cases where the keel does not extend forward or aft to the location of the draft marks, due to raked stem or cutaway skeg, the datum line from which the drafts shall be taken, shall be obtained by projecting the line of the bottom of the keel forward or aft, as the case may be, to the location of the draft marks.

(c) In cases where a vessel may have a skeg or other appendage extending locally below the line of the keel, the draft at the end of the vessel adjacent to such appendage shall be measured to a line tangent to the lowest part of such appendage and parallel to the line of the bottom of the keel.

#### SUBPART 32.15—NAVIGATION EQUIPMENT

1. Section 32.15-5 is amended to read as follows:

§ 32.15-5 *Whistles—T/ALL.* (a) Each tank ship shall be provided with an efficient whistle sounded by steam or by some substitute for steam to give the necessary whistle signals. All whistles shall be placed at an elevation of not less than 6 feet above the top of the pilothouse, where the clearance for passing under bridges will permit it. Tank ships navigating the Red River of the North, Yukon, and similar rivers, and rivers whose waters flow in the Gulf of Mexico, and tank ships of less than 100 gross tons may have their whistles located not less than 2 feet above the tops of their pilothouses. Such whistles or substitutes shall be satisfactory in sound and source of power for the purpose intended.

(b) On tank ships contracted for on and after November 19, 1955 means shall be provided to operate the whistle from a position adjacent to the main steering station and from the steering station on top of the pilothouse where such steering station is fitted. Details of the whistle operating devices shall meet the requirements of Subparts 113.05 and 113.65 of Subchapter J (Electrical Engineering) of this chapter.

2. Section 32.15-20 is amended to read as follows:

§ 32.15-20 *Radiotelegraph and radiotelephone—T/ALL.* (a) Radiotelegraph

and radiotelephone installations are required on certain tank ships. Details of the application of these requirements, as well as the details of the installations, shall be as required by the statutes and regulations under the jurisdiction of the Federal Communications Commission.

(b) For the communication system required with the radiotelegraph and radiotelephone installations on a tank ship contracted for on or after November 19, 1955 see Subparts 113.05 and 113.30 of Subchapter J (Electrical Engineering) of this chapter.

3. Section 32.15-25 is amended to read as follows:

§ 32.15-25 *Radio direction finder—T/OC.* (a) All tank ships of 1,600 gross tons and over on an international voyage or in ocean service shall be fitted with a radio direction finder. Details of the installation shall be as required by the statutes and regulations under the jurisdiction of the Federal Communications Commission. Such tank ships of over 1,600 gross tons, but not over 5,000 gross tons, construction or conversion of which was started prior to November 19, 1952, need not meet the requirements of this section until November 19, 1954.

(b) For the communication system required with the radio direction finder installation on a tank ship contracted for on or after November 19, 1955 see Subparts 113.05 and 113.30 of Subchapter J (Electrical Engineering) of this chapter.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 676; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

#### SUBPART 32.25—GENERAL ALARM SYSTEMS

1. The heading for Subpart 32.25 is changed from "Alarm Systems" to "General Alarm Systems."

2. Subpart 32.25, consisting of §§ 32.25-1 to 32.25-15, is amended in its entirety to read as follows:

Sec.  
32.25-1 General alarm bells for tank ships constructed on or after September 15, 1943—T/ALL.  
32.25-5 Alarm bells for tank ships constructed prior to September 15, 1943—T/ALL.  
32.25-10 Alarm bells for manned barges—B/OC.

AUTHORITY: §§ 32.25-1 to 32.25-10 issued under R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 676; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

§ 32.25-1 *Alarm bells for tank ships constructed on or after September 15, 1943—T/ALL.* (a) All tank ships of over 100 gross tons, the construction of which is begun on or after September 15, 1943, shall have all sleeping accommodations and machinery spaces equipped with a sufficient number of alarm bells so located as to warn all occupants.

(b) The bells shall be controlled by a manually operated contact maker located in the pilothouse, in an accessible location in the officers' quarters in the amidship deckhouse, and in the engine room. Each of the contact makers in the latter two locations shall be pro-

tected against tampering by means of an enclosure provided with a breakable transparent window.

(c) The alarm system installation shall meet the requirements of Subparts 113.05 and 113.25 of Subchapter J (Electrical Engineering) of this chapter, except that vessels the construction of which was started prior to November 19, 1955, need only meet the requirements of § 113.25-90 thereof and the number and location of the contact makers shall comply with § 32.25-1 (b).

§ 32.25-5 *Alarm bells for tank ships constructed prior to September 15, 1943—T/ALL.* (a) All tank ships, the construction of which was begun prior to September 15, 1943, shall have all sleeping accommodations equipped with a sufficient number of alarm bells so located as to warn all the occupants. The alarm bells, if electric, shall be operated from an open switch from the pilothouse or bridge. The bells shall be of such size, character, and construction as to provide an alarm throughout the spaces for which they are provided.

(b) The alarm system installation shall meet the requirements of § 113.25-90 of Subchapter J (Electrical Engineering) of this chapter.

§ 32.25-10 *Alarm bells for manned barges—B/OC.* Each tank barge of over 100 gross tons, where the crew is divided into watches for the purpose of steering the vessel, shall be provided with a suitable alarm bell installation.

#### SUBPART 32.30—SOUND POWERED TELEPHONE, VOICE TUBE, AND ENGINE ORDER TELEGRAPH SYSTEMS

1. The heading for Subpart 32.30 is changed from "Interior Communications Systems" to "Sound Powered Telephone, Voice Tube, and Engine Order Telegraph Systems."

2. Subpart 32.30, consisting of sections 32.30-1 to 32.30-15, is amended in its entirety to read as follows:

Sec.  
32.30-1 Voice tubes or telephone equipment—T/ALL.  
32.30-5 Engine order telegraph equipment—T/ALL.  
32.30-10 Inspections—T/ALL.

AUTHORITY: §§ 32.30-1 to 32.30-10 issued under R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 676; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

§ 32.30-1 *Voice tubes or telephone equipment—T/ALL.* (a) Tank ships shall be equipped with an efficient means of communication between the pilothouse and (1) the engine room, (2) the steering gear room, and (3) the emergency steering station.

(b) Where tank ships are equipped with a gyro compass system and/or radar plan position indicator, an efficient means of communication shall be provided between the pilothouse and the master compass and/or radar plan position indicator when such equipment is remotely located from the pilothouse.

(c) Where tank ships are equipped with a radio and/or a radio direction finder, an efficient means of communication shall be provided between the



pilothouse and this equipment as covered in § 113.30-5 (e) of Subchapter J (Electrical Engineering) of this chapter when such equipment is remotely located from the pilothouse.

(d) The efficient means of communication referred to in this section shall be either a voice tube or sound powered telephone system.

(e) Telephone and voice tube equipment and the installation thereof shall meet the requirements of Subparts 113.05 and 113.30 of Subchapter J (Electrical Engineering) of this chapter except that tank ships the construction of which was started prior to November 19, 1955, need only meet the requirements of § 113.30-90.

§ 32.30-5 *Engine order telegraph equipment—T/ALL.* (a) Tank ships shall be equipped with an efficient means of transmitting engine orders from the pilothouse to the engine room and of transmitting acknowledgments of such engine orders from the engine room to the pilothouse.

(b) The efficient means of transmitting engine orders and installation of the equipment shall meet the requirements of Subparts 113.05 and 113.35 of Subchapter J (Electrical Engineering) of this chapter except that tank ships the construction of which was started prior to November 19, 1955, need meet only the requirements of § 113.35-90.

§ 32.30-10 *Inspections—T/ALL.* All communication equipment between the pilothouse, engine room, steering gear room, and the emergency steering station shall be inspected and tested in accordance with the requirements of §§ 111.05-10 (c) (16) and 111.05-10 (d) (1) of Subchapter J (Electrical Engineering) of this chapter.

#### SUBPART 32.35—MAIN AND AUXILIARY MACHINERY

Section 32.35-15 *Communication—T/ALL* is canceled. (This requirement included in § 32.30-1.)

#### SUBPART 32.40—ACCOMMODATIONS

Section 32.40-1 (d) is amended by revising subparagraphs (4) and (7) to read as follows:

§ 32.40-1 *Crew accommodations on tank ships of 100 gross tons or over constructed after January 1, 1938—T/ALL.*

(d) *Location, construction and equipment.* \* \* \*

(4) All crew spaces shall be adequately lighted, heated and ventilated. The lighting shall comply with the requirements of § 111.50-15 and Subpart 111.60 of Subchapter J (Electrical Engineering) of this chapter.

(7) Mechanical ventilation may be provided if such system is equal in effectiveness to the requirements for natural ventilation and is approved by the Commandant. For remote control of mechanical ventilation see § 111.50-5 of Subchapter J (Electrical Engineering) of this chapter.

#### SUBPART 32.45—ELECTRICAL INSTALLATIONS

Subpart 32.45, consisting of §§ 32.45-1 to 32.45-15, is amended in its entirety to read as follows:

Sec.

32.45-1 Requirements for tank vessels the construction or conversion of which is contracted for on or after November 19, 1955—TB/ALL.

32.45-5 Requirements for tank vessels the construction or conversion of which was started on or after November 10, 1936, but prior to November 19, 1955—TB/ALL.

32.45-10 Requirements for tank vessels the construction or conversion of which was started prior to November 10, 1936—TB/ALL.

AUTHORITY: §§ 32.45-1 to 32.45-10 issued under R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 676; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

§ 32.45-1 *Requirements for tank vessels the construction or conversion of which is contracted for on or after November 19, 1955—TB/ALL—(a) Application.* The electrical installation on a tank vessel the construction or conversion of which is contracted for on or after November 19, 1955 shall comply with the requirements contained in this section in addition to those contained in Subchapter J (Electrical Engineering) of this chapter except as such latter regulations are modified by this section. Specific additional requirements for tank vessels carrying Grade A, B, C or D liquid cargo are contained in paragraphs (h) and (i) of this section.

(b) *Cable location.* Where practicable, electric cable shall be located well inboard from the sides, preferably along or near the centerline, to reduce the risk of injury in the event of collision, but it shall be kept clear of cargo tank openings. Specific additional cable location requirements for cargo pump rooms and enclosed spaces immediately above or adjacent to cargo tanks are contained in paragraphs (f) and (h) of this section.

(c) *Equipment location.* Except where Grade E liquid cargo only is involved, switchboards, distribution panels, switches, fuses, and other circuit-interrupting or power devices shall not be installed in cargo pump rooms nor in enclosed spaces immediately above or adjacent to cargo tanks. Regardless of the grade of liquid cargo handled storage batteries shall not be located in cargo pump rooms.

(d) *Portable equipment.* Portable equipment shall be of an approved type. When the vessel is not gas free, no portable electrical equipment shall be used in the cargo or fuel oil tanks, the cargo pump rooms or any enclosed spaces immediately above or adjacent to the bulk cargo tanks, except that lighting may be effected by the use of approved explosion-proof, self-contained, battery-fed lamps.

(e) *Explosion-proof installations.* Where explosion-proof equipment is required, the equipment and installation thereof shall comply with § 111.60-40 of Subchapter J (Electrical Engineering) of this chapter.

(f) *Enclosed spaces.* (1) The lighting of enclosed spaces immediately above or adjacent to cargo tanks for Grade A, B, C or D liquid cargo shall be effected by means of approved explosion-proof or magazine type lighting fixtures in accordance with the requirements of § 111.70-10 (c) of Subchapter J (Electrical Engineering) of this chapter.

(2) Through runs of electric cable are permitted.

(g) *General cargo spaces.* (1) General cargo spaces located beyond the segregation spaces of tank vessels carrying Grade A, B, C or D liquid cargo shall have no special restrictions in regard to electrical installations.

(2) General cargo spaces, regardless of location, of tank vessels carrying Grade E liquid cargo only shall have no special restrictions in regard to electrical installations.

(h) *Cargo pump rooms handling Grade A, B, C or D liquid cargo.*

(1) Lighting shall be accomplished either by the use of explosion-proof fixtures or through permanently fixed glass lenses fitted in the bulkhead and/or deck. For detailed requirements see § 111.70-10 (c) of Subchapter J (Electrical Engineering) of this chapter.

(2) Through runs of electric cable, regardless of how they may be protected, are prohibited.

(i) *Weather decks of tank vessels handling Grade A, B, C or D liquid cargo.* Motors, their control equipment, and other electrical equipment and installations located on or above the weather decks within 15 feet of the cargo tank openings or cargo tank vent terminations shall be explosion-proof.

§ 32.45-5 *Requirements for tank vessels the construction or conversion of which was started on or after November 10, 1936 but prior to November 19, 1955—TB/ALL—(a) Application.* The requirements of this section shall apply to all tank vessels the construction or conversion of which was started on or after November 10, 1936, but prior to November 19, 1955.

(b) *General.* The electrical installation shall be in accordance with this section, and to the extent that such installation is not covered by this section it shall be at least equivalent to the Commandant's general requirements.

(c) *Existing arrangements.* Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. For detailed requirements see § 111.70-90 (a) of Subchapter J (Electrical Engineering) of this chapter. Minor repairs and minor alterations may be made to the same standard as the original installation.

(d) *New installations.* New installations or major replacements shall meet the applicable requirements of § 32.45-1.

(e) *Location of storage batteries.* Storage batteries shall not be located in cargo pump rooms. The space in which they are located shall be well ventilated and they shall be protected against mechanical and electrical injury including short circuiting and overloading. Batteries shall be secured against move-



ment, and acid batteries shall be set in lead-lined trays at least 3 inches deep of at least 4-pound sheet lead.

(f) *Installations made during the Unlimited National Emergency.* Electrical equipment installed during the Unlimited National Emergency as defined in § 110.25-5 of Subchapter J (Electrical Engineering) of this chapter and not complying with the requirements in this subchapter may be continued in service if found to be satisfactory by the Commandant for the purpose intended.

(g) *Cargo pump rooms and enclosed spaces of tank vessels constructed on or after July 1, 1951, but prior to November 19, 1955—(1) Application.* The requirements of this paragraph shall apply to cargo pump rooms and enclosed spaces immediately above the bulk cargo tanks of tank vessels carrying Grade A, B, C or D liquid cargo, the construction or conversion of which vessels was started on or after July 1, 1951, but prior to November 19, 1955. There are no special restrictions in regard to the electrical installations in cargo pump rooms and enclosed spaces of tank vessels carrying only Grade E liquid cargo.

(2) *Cable location.* Through runs of electric cable are permitted.

(3) *Equipment.* No electric lighting or power circuit interrupting or power devices shall be installed in pump rooms. Enclosed spaces immediately above the bulk cargo tanks shall contain no electrical circuit interrupting or power devices.

(4) *Lighting.* Lighting shall be effected by means of approved explosion-proof or magazine type lighting fixtures. When the vessel is not gas free no portable lighting equipment shall be used except approved explosion-proof, self-contained, battery-fed lamps.

(h) *General cargo spaces of tank vessels constructed on or after July 1, 1951, but prior to November 19, 1955 and carrying Grade E liquid cargo only.* General cargo spaces, regardless of location, of tank vessels constructed on or after July 1, 1951, but prior to November 19, 1955, and carrying Grade E liquid cargo only, shall have no special restrictions in regard to electrical installations.

(i) *Cargo pump rooms and enclosed spaces of tank vessels constructed on or after November 10, 1936, but prior to July 1, 1951—(1) Application.* The requirements of this paragraph shall apply to cargo pump rooms for Grade A, B, C or D liquids and to enclosed spaces required to segregate Grade A, B, C or D liquid cargo tanks from other spaces, all on tank vessels the construction or conversion of which was started on or after November 10, 1936, but prior to July 1, 1951.

(2) *General.* The installation covering the cable, cable fittings and method of making wiring connections, lighting fixtures, and motors shall comply with the requirements of § 111.70-90 (d) of Subchapter J (Electrical Engineering) of this chapter.

(3) *Ventilation.* The motor-driven ventilation system for the cargo pump motor when located in the pump room is to be so interlocked that the pump motor cannot be started prior to a circulation of air. The air ducts are to lead

to and from the atmosphere outside the pump room and are to terminate not less than 3 feet above the deck and not less than 6 feet from any cargo tank vent. (See § 32.60-20.)

§ 32.45-10 *Requirements for tank vessels the construction or conversion of which was started prior to November 10, 1936—TB/ALL—(a) Application.* The requirements of this section shall apply to all tank vessels the construction or conversion of which was started prior to November 10, 1936.

(b) *General.* The electrical installation shall be maintained in a safe and in a good mechanical condition, and shall comply with the regulations in effect when the vessel was built, or to the requirements of a recognized classification society. Any major change in the electrical installation or any conversion shall comply with the requirements of this subpart applicable to new vessels.

(c) *Pump rooms and enclosed spaces of tank vessels handling Grade A, B, C or D liquid cargo.* The electrical installation in the pump rooms and enclosed spaces immediately adjoining cargo tanks (except in pump engine rooms as provided in § 32.70-20) of tank vessels handling Grade A, B, C or D liquid cargo shall be made to comply with §§ 32.45-1 (b), 32.45-1 (c), 32.45-5 (b) and 32.45-5 (g) and §§ 111.55-1, 111.55-15 and 111.60-5 of Subchapter J (Electrical Engineering) all of this chapter, to the extent that the changes are, in the opinion of the Officer in Charge, Marine Inspection, necessary in the interest of safety.

#### SUBPART 32.55—VENTILATION AND VENTING

1. Section 32.55-20 (c) is amended to read as follows:

§ 32.55-20 *Venting of cargo tanks of tank ships constructed on or after July 1, 1951—T/ALL. \* \* \**

(c) *Grade B or C liquids.* Cargo tanks in which Grade B or C liquids are to be transported shall be fitted with either individual pressure-vacuum relief valves which shall extend to a reasonable height above the weather deck or shall be fitted with a venting system consisting of branch vent lines connected to a vent header which shall extend to a reasonable height above the weather deck and be fitted with a flame arrester or a pressure-vacuum relief valve. The vent header system, if fitted, shall be provided with suitable connections for flushing and draining, and if desired, stop valves may be placed in the individual branch vent lines provided that each stop valve is bypassed by a pressure-vacuum relief valve.

2. Section 32.55-25 (b) is amended to read as follows:

§ 32.55-25 *Venting of cargo tanks of tank barges constructed on or after July 1, 1951—B/ALL. \* \* \**

(b) *Grade A, B, or C liquids.* Cargo tanks in which Grade A, B, or C liquids are to be transported shall be fitted with either individual pressure-vacuum relief valves which shall extend to a reasonable height above the weather deck or shall be fitted with a venting system consisting of branch vent lines connected to a vent header which shall extend to a

reasonable height above the weather deck and be fitted with a pressure-vacuum relief valve.

The vent header system, if fitted, shall be provided with suitable connections for flushing and draining, and if desired, stop valves may be placed in the individual branch vent lines; provided, that each such stop valve is bypassed by a pressure-vacuum relief valve.

3. Section 32.55-30 (c) is amended to read as follows:

§ 32.55-30 *Venting of cargo tanks of tank vessels constructed between November 10, 1936, and July 1, 1951—TB/ALL. \* \* \**

(c) *Grade B or C liquids.* Cargo tanks in which Grade B or C liquids are to be transported shall be fitted with individual pressure-vacuum relief valves or shall be fitted with a venting system consisting of branch vent lines connected to a vent header which shall extend to a reasonable height above the weather deck and be fitted with a flame arrester or a pressure-vacuum relief valve.

#### SUBPART 32.60—HULL REQUIREMENTS FOR TANK VESSELS CONSTRUCTED ON OR AFTER JULY 1, 1951

1. Section 32.60-10 is amended to read as follows:

§ 32.60-10 *Segregation of cargo; Grade A, B, C, or D—TB/ALL—(a) General.* The galleys, living quarters, navigation spaces, general cargo spaces, boiler rooms, and enclosed spaces where sources of vapor ignition are normally present, shall be segregated from cargo tanks by cofferdams or pump rooms or tanks, either empty or used to carry liquid having a flashpoint of 150° F. or above, or deck spaces enclosed or open.

(b) *Cargo tank spaces.* Cargo tank spaces shall extend to the main deck, with hatches and vents located on the weather deck. Liquids having a flash point of not less than 150° F. may be carried in the bulk tanks located beyond the segregating cofferdams and/or pump rooms.

(c) *Enclosed spaces.* (1) Cargo and vent piping passing through enclosed spaces immediately above the bulk cargo tanks shall be continuous except that flanged joints connecting pipe sections will be permitted.

(2) No openings to cargo tank shall be permitted other than stuffing boxes through which valve control rods or permanently installed gage tapes extend and openings for use of tank cleaning machines. Openings for tank cleaning machines, when not in use, shall be kept closed by means of gastight bolted plates and when in use shall be made essentially gas and watertight by covers through which hose or pipe to the tank cleaning machines extend.

(3) The overhead in way of quarters shall be gastight.

(d) *Stowage spaces.* The spaces described in paragraph (c) of this section may be used for stowage purposes and for general cargo provided that adequate ventilation is furnished.

(e) *Openings.* Except as provided in paragraph (c) of this section, there shall be no manholes or other openings from cargo tanks to any other enclosed



spaces. Any vents, sounding tubes, and similar piping passing through such tanks shall be run in a suitable trunk.

2. Section 32.60-15 *Segregation of cargo; grade E-TB/ALL* is amended by canceling paragraph (c). (This requirement transferred to § 32.45-5 (h).)

3. Section 32.60-20 is amended to read as follows:

§ 32.60-20 *Pump rooms on tank vessels carrying Grade A, B, C, or D liquid cargo—TB/ALL—(a) Cargo pumps.* Cargo pumps shall be isolated from sources of vapor ignition by gastight bulkheads. A gastight bulkhead between the pump room and the pump engine room may be pierced for drive shaft and pump engine control rods provided such openings are fitted with stuffing boxes or other approved gland arrangement. A steam driven pump shall not be considered a source of vapor ignition provided the steam temperature does not exceed 500° F.

(b) *Ventilation.* Pump rooms of all tank vessels shall be ventilated in such a way as to remove vapors from points near the floor level or bilges. Pump rooms on tank ships handling Grade A, B, or C liquid cargo, with machinery located below the freeboard deck, shall be equipped with power ventilation. Pump rooms equipped with power ventilation shall have the ventilation outlets terminate more than six feet from any opening to the interior part of the vessel which normally contains sources of vapor ignition.

(c) *Access.* The access to a cargo pump room shall be from the open deck.

#### SUBPART 32.65—HULL REQUIREMENTS FOR TANK VESSELS CONSTRUCTED ON OR AFTER NOVEMBER 10, 1936, AND PRIOR TO JULY 1, 1951

Section 32.65-20 *Pump rooms—TB/ALL* is amended by canceling paragraphs (b) to (f), inclusive. (These requirements transferred to § 32.45-5.)

#### SUBPART 32.70—HULL REQUIREMENTS FOR STEEL HULL TANK VESSELS CONSTRUCTED PRIOR TO NOVEMBER 10, 1936

Section 32.70-15 is amended to read as follows:

§ 32.70-15 *Pump rooms—TB/ALL.* Tank vessels handling Grade A, B, C or D liquid cargo shall meet the requirements for tank vessels in § 32.65-20 except that the electrical installation shall comply with the requirements of § 32.45-10 (c).

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 676; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

#### PART 33—LIFESAVING APPLIANCES

##### SUBPART 33.05—LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS REQUIRED

Section 33.05-1 is amended by adding a paragraph (c), reading as follows:

§ 33.05-1 *Lifeboats for tank ships; ocean; construction or conversion of which was started prior to November 19, 1952—T/O.* \* \* \*

(c) All tank ships of 1,600 gross tons and over on an international voyage

shall carry at least one motor-propelled or hand-propelled lifeboat. The requirement of this paragraph shall not apply except for replacements, and then only if it can be done without change to existing davits and arrangements.

##### SUBPART 33.15—EQUIPMENT FOR LIFEBOATS, LIFE RAFTS, OR BUOYANT APPARATUS

Subpart 33.15, consisting of §§ 33.15-1 to 33.15-90, is amended to read as follows:

- Sec.  
33.15-1 Lifeboat, life raft, or buoyant apparatus; general—TB/ALL.  
33.15-5 Required equipment for lifeboats—TB/ALL.  
33.15-10 Description of equipment for lifeboats—TB/ALL.  
33.15-15 Required equipment for life rafts and buoyant apparatus—TB/LBR.  
33.15-20 Description of equipment for life rafts and buoyant apparatus—TB/LBR.  
33.15-25 Portable radio telegraph apparatus—T/OC.  
33.15-90 Lifeboat, life raft, and buoyant apparatus equipment on tank vessels constructed prior to November 19, 1952—TB/ALL.

AUTHORITY: §§ 33.15-1 to 33.15-90 issued under R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 676; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

§ 33.15-1 *Lifeboat, life raft or buoyant apparatus equipment; general—TB/ALL.* (a) The provisions of this subpart with the exception of § 33.15-90 shall

apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 33.15-90.

(b) Equipment for lifeboats, life rafts, and buoyant apparatus shall be of good quality, efficient for the purpose they are intended to serve, and kept in good condition.

(c) Lifeboats, life rafts and buoyant apparatus shall be fully equipped before the vessel is navigated and the equipment shall remain in such lifesaving appliances throughout the voyage except as provided by section 33.25-15.

(d) It shall be unlawful to stow in any lifeboat, life raft, or buoyant apparatus any article not required by this subpart unless such articles can be properly stowed so as not to reduce the seating capacity or space available to the occupants and so as not to adversely affect the seaworthiness of such appliances or, in the case of lifeboats, overload the davits or winches.

(e) Loose equipment, except boat-hooks in lifeboats, shall be securely attached to the lifesaving appliance to which it belongs.

§ 33.15-5 *Required equipment for lifeboats—TB/ALL.* (a) The lifeboats for all tank vessels shall be equipped in accordance with Table 33.15-5 (a). For a description of the items contained in this table, and the units comprising the items, see the applicable paragraphs of § 33.15-10. The letter identification prefixing the item in the table corresponds to the paragraph designations in § 33.15-10.

TABLE 33.15-5 (a)

Letter identification	Item	Tank ship			Tank barge—all waters
		Ocean and coastwise	Great Lakes	Lakes, bays, sounds, and rivers	
a.....	Bailer.....	1	1	None	None
b.....	Bilge pump.....	1	None	None	None
c.....	Boathooks.....	2	1	1	2
d.....	Bucket.....	2	1	1	1
e.....	Compass and mounting.....	1	None	None	None
f.....	Ditty bag.....	1	None	None	None
g.....	Drinking cup.....	1	None	None	None
h.....	Fire extinguisher (motor-propelled lifeboats only).....	1	None	None	2
i.....	First-aid kit.....	2	2	2	2
j.....	Flashlight.....	1	None	None	None
k.....	Hatchet.....	1	2	None	None
l.....	Heaving line.....	2	2	1	None
m.....	Jackknife.....	1	None	None	None
n.....	Ladder, lifeboat, gunwale.....	1	None	None	2
o.....	Lantern.....	1	None	None	None
p.....	Life line.....	1	1	1	1
q.....	Life preservers.....	2	2	2	2
r.....	Locker.....	1	1	None	None
s.....	Mast and sail (oar-propelled lifeboats only).....	1	None	None	None
t.....	Matches (boxes).....	2	1	1	2
u.....	Milk, condensed (pounds per person).....	1	None	None	None
v.....	Mirror, signaling.....	2	None	None	None
w.....	Oars (units).....	1	1	1	1
x.....	Oil illuminating (quarts).....	1	1	None	None
y.....	Oil storm (gallons).....	1	1	None	None
z.....	Painter.....	2	1	1	1
aa.....	Plug.....	1	1	1	1
bb.....	Provisions (pounds per person).....	2	None	None	None
cc.....	Rowlocks (units).....	1	1	1	1
dd.....	Rudder and tiller.....	1	1	None	1
ee.....	Sea anchor.....	1	1	None	None
ff.....	Signals, distress, floating orange smoke.....	2	None	None	None
gg.....	Signals, distress, red hand flare (units).....	1	1	None	None
hh.....	Signals, distress, red parachute flare (units).....	1	1	None	None
ii.....	Water (quarts per person).....	3	None	None	2

1 Only 1 required on other than seagoing barges.

2 Seagoing barges only.

3 Optional (see footnote 7).

4 Not required on lifeboats of less than 60 person capacity.

5 For description of unit see § 33.15-10.

6 Lifeboats on barges need only carry 4 rowlocks.

7 An approved flashlight (item j) or 12 approved parachute red flare distress signals (item hh), may be substituted for 6 of the required 12 red hand flare distress signals.

8 Vessels in coastwise service need only carry 1 unit for each 5 lifeboats or fraction thereof.



§ 33.15-10 Description of equipment for lifeboats—TB/ALL—(a) Bailer. The bailer shall have a lanyard attached and shall be of sufficient size and suitable for bailing.

(b) Bilge pump. Bilge pumps shall be of an approved type, constructed in accordance with Subpart 160.044 of Subchapter Q (Specifications) of this chapter. They shall be of the size given in Table 33.15-10 (b) depending upon the capacity of the lifeboat as determined by the six-tenths rule as described in § 160.035-8 (b) of Subchapter Q (Specifications) of this chapter.

TABLE 33.15-10 (b)

Capacity of lifeboat, cubic feet		Bilge pump size
Over—	Not over—	
330	330	1
700	700	2
		3

(c) Boathooks. Boathooks shall be of the single hook ballpoint type. Boathook handles shall be of clear grained white ash, or equivalent, and of a length and diameter as given in Table 33.15-10 (c).

TABLE 33.15-10 (c)

Length of lifeboat (feet)		Boathook handles	
Over—	Not over—	Diameter (inches)	Length (feet)
23	23	1 1/2	8
29	29	1 3/4	10
		2	12

(d) Bucket. The bucket shall be of heavy gage galvanized iron, or other suitable corrosion-resistant metal, of not less than 2 gallon capacity, and shall have a 6-foot lanyard of 12-thread manila attached.

(e) Compass and mounting. The compass and mounting shall be of an approved type, constructed in accordance with U. S. Coast Guard Specification dated December 14, 1944.

(f) Ditty bag. The ditty bag shall consist of a canvas bag and shall contain a sailmaker's palm, needles, sail twine, marline and marlinspike.

(g) Drinking cup. Drinking cups shall be enameled, and shall be provided with 1/8 inch diameter cotton lanyards 3 feet in length.

(h) Fire extinguisher. Fire extinguishers shall be of an approved type. (4 pound CO<sub>2</sub>, 1 quart carbon tetrachloride or 4 pound dry chemical). One shall be attached to each end of the lifeboat.

(i) First aid kit. The first aid kit shall be of an approved type, constructed and fitted in accordance with Subpart 160.041 of Subchapter Q (Specifications) of this chapter.

(j) Flashlight. The flashlight shall be of an approved Type I, Size No. 3, constructed in accordance with Subpart

161.008 of Subchapter Q (Specifications) of this chapter. Three spare cells (or one 3-cell battery) and two spare bulbs shall be provided with each flashlight. Batteries shall not remain in the flashlight or be used as spares beyond the serviceable date appearing on the cell or its jacket.

(k) Hatchet. Hatchets shall be of an approved type, constructed in accordance with Subpart 160.013 of Subchapter Q (Specifications) of this chapter. They shall be attached to the lifeboat by individual lanyards and be readily available for use, one at each end of the lifeboat.

(l) Heaving line. The heaving line shall be of adequate strength, 10 fathoms in length, and one inch in circumference. It shall be of such quality as to be buoyant after 24 hours submergence.

(m) Jackknife. The jackknife (with can opener) shall be of an approved type, constructed in accordance with Subpart 160.043 of Subchapter Q (Specifications) of this chapter.

(n) Ladder, lifeboat gunwale. The lifeboat gunwale ladder shall consist of 3 flat wood steps cut out for handholds. The steps shall be spaced 12 inches apart and fastened with 5/8 inch diameter manila rope. Each rope end shall be tied inside the lifeboat at about amidships with the ladder stowed on top of the side benches and ready for immediate use.

ate use. Other suitable devices may be specifically approved.

(o) Lantern. The lantern shall contain sufficient oil to burn for at least 9 hours, and shall be ready for immediate use.

(p) Life line. The life line shall be properly secured to both sides of the lifeboat along its entire length, festooned in bights not longer than 3 feet, with a seine float in each bight. The life line shall be of a size and strength not less than 12-thread manila. The bights shall hang to within 12 inches of the water when the lifeboat is light.

(q) Life preservers. Life preservers shall be of an approved type, constructed in accordance with the applicable subparts of Subchapter Q (Specifications) of this chapter.

(r) Locker. The locker shall be suitable for the storage and preservation of the small items of equipment.

(s) Mast and sail. A unit, consisting of a standing lug sail together with the necessary spars and rigging, shall be provided in general agreement with Table 33.15-10 (s). The sails shall be of good quality canvas, colored Indian Orange (Cable No. 70072, Standard Color Card of America). Rigging shall consist of galvanized wire rope not less than 3/16 inch in diameter. The mast and sail shall be protected by a suitable canvas cover.

TABLE 33.15-10 (s)

Length of lifeboat (feet)		Standing lug sail								Mast <sup>1</sup>		Yard <sup>1</sup>	
Over—	Not over—	Area (square feet)	Luff and head lengths	Leach length	Foot length	Clew to throat	Ounces per square	Commercial designation No.		Length	Diameter (inches)	Length	Diameter (inches)
			<i>Ft. In.</i>	<i>Ft. In.</i>	<i>Ft. In.</i>	<i>Ft. In.</i>				<i>Ft. In.</i>		<i>Ft. In.</i>	
17	17	58	5 11	12 1	8 10	10 10	14.35	10	11 2	3	6 11	2	2
19	19	74	6 8	13 8	10 0	12 2	14.35	10	12 6	3	7 8	2	2
21	21	93	7 6	15 1	11 2	13 8	14.35	10	13 10	3 1/2	8 5	2 1/2	2 1/2
23	23	113	8 3	16 11	12 4	15 1	14.35	10	15 2	3 1/2	9 3	2 1/2	2 1/2
25	25	135	9 0	18 6	13 6	16 6	14.35	10	16 6	4	10 0	3	3
27	27	158	9 9	20 0	14 7	17 10	17.50	8	17 10	4	10 9	3	3
29	29	181	10 5	21 5	15 7	19 1	17.50	8	19 2	4 1/2	11 5	3 1/2	3 1/2
31	31	203	11 0	22 8	16 6	20 3	20.74	6	20 6	4 1/2	12 0	3 1/2	3 1/2

<sup>1</sup> Mast lengths measured from heel to center of upper halyard sheave. Mast diameters measured at thwart. Mast and yard shall be of clear-grained spruce, fir, or equivalent.

<sup>2</sup> Subject to special consideration.

(t) Matches. A box of safety matches in a watertight container stowed in an equipment locker or secured to the underside of the stern thwart if no locker is fitted.

(u) Milk, condensed. One pound of condensed milk shall be provided for each person the lifeboat is certified to carry, to be stowed in lockers or other compartments providing suitable protection.

(v) Mirrors, signaling. Signaling mirrors shall be of an approved type.

(w) Oars. A unit, consisting of a complement of rowing oars and steering oar, shall be provided for each lifeboat in accordance with Table 33.15-10 (w), except that motor-propelled and hand-propelled lifeboats need only be equipped with 4 rowing oars and steering oar.

TABLE 33.15-10 (w)

Length of lifeboat (feet)		Number of oars		Length of oars (feet)	
Over—	Not over—	Rowing	Steering	Rowing	Steering
15	15	4	1	8	9
19	19	6	1	10	11
21	21	6	1	11	12
23	23	6	1	12	13
25	25	8	1	13	14
27	27	8	1	14	15
		8	1	15	16

(x) Oil illuminating. One quart of illuminating oil shall be provided in a metal container.

(y) Oil, storm. One gallon of vegetable, fish, or animal oil shall be provided in a suitable metal container so



constructed as to permit a controlled distribution of oil on the water, and so arranged that it can be attached to the sea anchor.

(z) *Painter*. Painters shall be of manila rope not less than 2 3/4 inches in circumference and of a length not less than 3 times the distance between the deck on which the lifeboat is stowed and the light draft of the vessel. For lifeboats on vessels in ocean or coastwise service, one of the painters shall have a long eye splice and be attached to the thwart with a toggle. The other painter shall be attached to the stem.

(aa) *Plug*. The automatic drain required in the lifeboat shall be provided with a cap or plug attached to the lifeboat by a suitable chain.

(bb) *Provisions*. Two pounds of hard bread or its approved equivalent shall be provided for each person the lifeboat is certified to carry. The provisions shall be packaged in hermetically sealed cans of an approved type. The cans shall be stowed in lockers or other compartments providing suitable protection.

(cc) *Rowlocks*. A unit, consisting of sufficient rowlocks and rowlock sockets for each oar required by Table 33.15-5 (w) plus 2 additional rowlocks. The rowlocks shall be attached to the lifeboat by separate chains so as to be available for immediate use, except that the two additional spare rowlocks shall be carried in the equipment locker or stowed near the stern if no locker is fitted. The rowlocks and rowlock sockets shall be distributed so as to provide the maximum amount of single banked oars practicable.

(dd) *Rudder and tiller*. The rudder and tiller shall be constructed in accordance with § 160.035-3 (t) in Subpart 160.035 of Subchapter Q (Specifications) of this chapter.

(ee) *Sea anchor*. The sea anchor shall be of an approved type.

(ff) *Signals, distress, floating orange smoke*. Two approved floating orange smoke distress signals, constructed in accordance with Subpart 160.022 of Subchapter Q (Specifications) of this chapter. The service use of this equipment shall be limited to 3 years from date of manufacture.

(gg) *Signals, distress, red hand flare*. A unit consisting of 12 approved hand red flare distress signals, in a watertight container, constructed in accordance with Subparts 160.021 or 160.023 of Subchapter Q (Specifications) of this chapter. The service use of this equipment shall be limited to 3 years from date of manufacture.

(hh) *Signals, distress, red parachute flare*. A unit, consisting of 12 approved parachute red flare distress signals with an approved means of projecting them, all contained in a portable watertight container; or 12 approved hand-held rocket-propelled parachute red flare distress signals contained in a portable watertight container. Construction shall be in accordance with Subparts 160.024 and 160.028 or 160.036 of Subchapter Q (Specifications) of this chapter. The service use of this equipment shall be limited to 3 years from date of manufacture.

(ii) *Water*. (1) For each person the lifeboat is certified to carry, there shall

be provided three quarts of drinking water consisting of 9 approved hermetically sealed containers per person constructed and filled in accordance with Subpart 160.026 of Subchapter Q (Specifications) of this chapter. The service life of this equipment shall be limited to 5 years from date of packing, and replacement of outdated containers shall be made at the first annual inspection of the vessel after the date of expiration.

(2) The drinking water containers shall be stowed in drinking water tanks, lockers, or other compartments providing suitable protection.

(3) This regulation shall become effective November 19, 1955, but approved drinking water containers already in use on that date may be continued in use, if otherwise in good and serviceable condition, until the first annual inspection of the vessel following 5 years from the date of packing, whereupon they shall be replaced with containers of the type specified in subparagraph (1) of this paragraph.

§ 33.15-15 *Required equipment for life rafts and buoyant apparatus TB/LBR*. (a) The life rafts and buoyant apparatus for all vessels shall be equipped in accordance with Table 33.15-15 (a). For a description of the items contained in this table and the units comprising the items, see the applicable paragraphs of § 33.15-20. The letter identification prefixing the item in the table corresponds to the paragraph designation in § 33.15-20.

TABLE 33.15-15 (a)

Letter identification	Item	Life raft		Buoyant apparatus—All waters
		Great Lakes	Lakes, bays, sounds, rivers,	
a.....	Boathook.....	1	1	None
b.....	Life line.....	1 <sup>1</sup>	1 <sup>1</sup>	1 <sup>1</sup>
c.....	Matches (boxes).....	1	None	None
d.....	Oars (units).....	1 <sup>1</sup>	1 <sup>1</sup>	None
e.....	Oil, storm (gallons).....	1	None	None
f.....	Painter.....	1	1	1 <sup>1</sup>
g.....	Rowlocks (units).....	1 <sup>1</sup>	1 <sup>1</sup>	None
h.....	Sea anchor.....	1	None	None
i.....	Signals, distress (units).....	1 <sup>1</sup>	None	None
j.....	Water light.....	1	None	1 <sup>1</sup>

<sup>1</sup> Not required on Type A life rafts.

<sup>2</sup> For description of unit see section 33.15-20.

<sup>3</sup> Need only be 2 inches in diameter and of a length equal to the distance between the deck where stowed to the vessel's light draft plus 6 feet.

<sup>4</sup> Not required on buoyant apparatus for less than 25 persons.

<sup>5</sup> Applies to ocean, coastwise and Great Lakes routes.

§ 33.15-20 *Description of equipment for life rafts and buoyant apparatus—TB/LBR*—(a) *Boathook*. Boathooks shall be of the single hook ball point type. Boathook handles shall be of clear grained white ash, or equivalent, not less than 8 feet long and 1 1/2 inches in diameter.

(b) *Life line*. The life line shall be properly secured around the sides and ends of the life raft, or buoyant apparatus, festooned in bights not longer than 3 feet, with a seine float in each bight. The life line shall be of a size and strength not less than 12-thread manila.

(c) *Matches*. A box of safety matches in a watertight container.

(d) *Oars*. A unit, consisting of 4 rowing oars and one steering oar not less

than 8 feet in length, shall be provided for life rafts for 7 persons or more. For life rafts for 6 persons or less, a unit shall consist of 2 paddles not less than 5 feet in length.

(e) *Oil, storm*. One gallon of vegetable, fish, or animal oil shall be provided in a suitable metal container so constructed as to permit a controlled distribution of oil on the water, and so arranged that it can be attached to the sea anchor.

(f) *Painter*. Painters shall be of manila rope not less than 2 3/4 inches in circumference and of a length not less than 3 times the distance between the deck on which the life rafts are stowed and the light draft of the vessel.

(g) *Rowlocks*. A unit, consisting of 5 rowlocks attached to the life raft by separate chains and ready for immediate use, together with proper rowlock sockets so arranged as to provide 4 rowing positions and 1 steering position with the life raft floating either side up. Rowlocks and rowlock sockets are not required on life rafts for 6 persons or less.

(h) *Sea anchor*. The sea anchor shall be constructed of good quality canvas or other satisfactory material, and shall be not less than 2 feet in diameter.

(i) *Signals, distress*. A unit consisting of six approved hand red flare distress signals, in a watertight container, constructed in accordance with Subpart 160.021 of Subchapter Q (Specifications) of this chapter. Service use shall be limited to 3 years from date of manufacture.

(j) *Water light*. The water light shall be of an approved automatic electric type, constructed in accordance with Subpart 161.001 of Subchapter Q (Specifications) of this chapter. The water light shall be attached to the life raft or buoyant apparatus by a 12-thread manila lanyard 3 fathoms in length.

§ 33.15-25 *Portable radiotelegraph apparatus—T/OC*. (a) All tank ships of 500 gross tons and over on an international voyage shall be provided with a portable radiotelegraph apparatus complying with the requirements of the Federal Communications Commission. The apparatus shall be kept in the radio room, or the chart room, or other suitable location and shall be immediately available for placement in one of the lifeboats.

(b) Portable radiotelegraph apparatus shall be tested at least once each week using an artificial antenna. Such tests shall be carried out by a radio officer or other qualified person.

§ 33.15-90 *Lifeboat, life raft and buoyant apparatus equipment on tank vessels contracted for prior to November 19, 1952—TB/ALL*. (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 33.15-5 through 33.15-25 shall be complied with insofar as the number of items of equipment and the method of stowage of the equipment is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth



in §§ 33.15-5 through 33.15-25 may be continued in service so long as they are maintained in a good condition to the satisfaction of the Officer in Charge, Marine Inspection. All new installations shall meet the applicable specifications or requirements of this part.

(2) Lifeboats previously approved without automatic drain plugs shall have two plugs or caps attached to the lifeboat by separate chains.

(3) On tank vessels in ocean or coastwise service, unless other approved means are provided to achieve the same purpose, three ½-inch diameter manila grab lines shall be fitted extending from gunwale to gunwale under the keel to enable persons to cling to or climb upon the upturned lifeboat. The ends of each grab line shall be securely attached to the side benches or other permanent part of the lifeboat and each grab line shall be made up with figure eight knots spaced approximately 18 inches apart in order to provide hand grips. Means shall be provided for taking up any slack in the grab lines.

(b) Tank vessels required to have as lifeboat equipment 2 approved floating orange smoke signals may retain in substitution therefore either 12 approved hand orange smoke distress signals constructed in accordance with Subpart 160.037 of Subchapter Q (Specifications) of this chapter, or 12 approved combination flare and smoke distress signals, constructed in accordance with Subpart 160.023 of Subchapter Q (Specifications) of this chapter. The service use of this equipment shall be limited to 3 years from date of manufacture where-upon it shall be replaced with the required floating orange smoke signals.

#### SUBPART 33.20—STOWAGE OF LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS

Section 33.20-1 (c) (3) and (4) is amended to read as follows:

§ 33.20-1 Davits and launching devices—TB/ALL. \* \* \*

(c) \* \* \*

(3) Suitable means shall be provided on vessels engaged on international voyages for illuminating the launching gear and the lifeboats during the process of launching the lifeboats from the stowed position until they are waterborne. For detailed requirements of such illumination for tank vessels contracted for on or after November 19, 1955, see Part 111 of Subchapter J (Electrical Engineering) of this chapter.

(4) On tankships the construction or conversion of which was started on or after November 19, 1952, where applicable, means shall be provided outside the machinery space to prevent the discharge of water into the lifeboats while they are being lowered. This shall consist of baffles to deflect the water down the vessel's side, reach rods or other means to close the discharge openings, or a remote means for stopping the pumps.

#### SUBPART 33.25—MARKINGS, CARE AND INSPECTION

1. Section 33.25-1 Preparation for voyage—TB/ALL is canceled. (The revised requirements are now in §§ 33.25-1 and 33.25-15.)

2. Section 33.25-15 is amended to read as follows:

§ 33.25-15 Overhaul—TB/ALL. (a) All lifeboats, life rafts and buoyant apparatus shall be stripped, cleaned and thoroughly overhauled at least once in every year.

(b) Tank vessels in ocean or coastwise service having a sufficient number of lifeboats on each side to accommodate all persons on board may care for their lifeboats at sea: *Provided*, That a number of lifeboats sufficient to accommodate all persons on board are fully equipped and ready for use at all times.

(c) The lifeboat davits and falls shall be overhauled at least once in every year.

#### SUBPART 33.30—MANNING OF LIFEBOATS

Subpart 33.30, consisting of §§ 33.30-1 to 33.30-5, is amended to read as follows:

Sec.  
33.30-1 Person in charge of each lifeboat and life raft—T/O.  
33.30-3 Person in charge of each life raft or lifeboat—T/CLB.  
33.30-5 Manning of lifeboats and life rafts—TB/OCLEB.

*AUTHORITY:* §§ 33.30-1 to 33.30-5 issued under R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 676; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

§ 33.30-1 Persons in charge of each lifeboat and life raft—T/O. A licensed deck officer, an able seaman, or a certificated lifeboatman shall be placed in charge of each lifeboat or life raft. He shall have a list of its lifeboatmen and other members of its crew which shall be sufficient for her safe management, and shall see that the men placed under his orders are acquainted with their several duties and stations. A second in command shall also be appointed which person shall be either a licensed deck officer, an able seaman or a certificated lifeboatman.

§ 33.30-3 Person in charge of each lifeboat or life raft—T/CLB. A licensed deck officer or an able seaman shall be placed in charge of each lifeboat or life raft, provided, that on tank vessels on an international voyage a certificated lifeboatman may be placed in charge of the lifeboat or life raft. A certificated lifeboatman may be placed in charge of any life raft certified to carry 15 persons or less. He shall have a list of its lifeboatmen and other members of its crew which shall be sufficient for her safe management, and shall see that the men placed under his orders are acquainted with their several duties and stations.

§ 33.30-5 Manning of lifeboats and life rafts—TB/OCLEB. (a) There shall be for each lifeboat or life raft a number of lifeboatmen at least equal to that specified as follows, provided, that vessels required to carry sufficient lifeboats on each side to accommodate all persons on board need only carry the lifeboatmen required for the lifeboats on one side:

(1) If the lifeboat or life raft carries 25 persons or less, the minimum number of certificated lifeboatmen shall be 1;  
(2) If the lifeboat or life raft carries 26 persons and less than 41 persons the

minimum number of certificated lifeboatmen shall be 2;

(3) If the lifeboat or life raft carries 41 persons and less than 61 persons the minimum number of certificated lifeboatmen shall be 3.

(b) The allocation of the certificated lifeboatmen to each lifeboat and life raft remains within the discretion of the master, according to the circumstances.

#### SUBPART 33.40—RING LIFE BUOYS AND WATER LIGHTS

1. The heading for Subpart 33.40 is changed from "Life Buoys" to "Ring Life Buoys and Water Lights."

2. Subpart 33.40, consisting of §§ 33.40-1 to 33.40-15, is amended to read as follows:

Sec.  
33.40-1 Ring life buoys and water lights, general requirements—TB/ALL.  
33.40-5 Number required on tank ships—T/ALL.  
33.40-10 Number required on tank barges—B/ALL.  
33.40-15 Distribution and security—TB/ALL.

*AUTHORITY:* §§ 33.40-1 to 33.40-15 issued under R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 676; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

§ 33.40-1 Ring life buoys and water lights, general requirements—TB/ALL.

(a) All ring life buoys shall be of an approved type, constructed in accordance with Subpart 160.009 or 160.050 of Subchapter Q (Specifications) of this chapter.

(b) All water lights shall be of an approved automatic electric type, constructed in accordance with Subpart 161.001 of Subchapter Q (Specifications) of this chapter.

§ 33.40-5 Number required on tank ships—T/ALL. (a) The minimum number of approved 30 inch ring life buoys, and the minimum number of which shall have water lights attached, shall be in accordance with Table 33.40-5 (a).

(b) One of the ring life buoys with water light attached on each side of the vessel shall have secured to it a line at least 15 fathoms in length.

TABLE 33.40-5 (a)

Length of tank ship (feet)	Ocean		All services other than ocean	
	Minimum number of ring life buoys	Minimum number of ring life buoys in column 2 which shall have water lights attached	Minimum number of ring life buoys	Minimum number of ring life buoys in column 4 which shall have water lights attached
Column 1	Column 2	Column 3	Column 4	Column 5
Under 100.....	8	6	2	1
100 and under 200.....	8	6	4	2
200 and under 300.....	8	6	6	2
300 and under 400.....	12	6	12	4
400 and under 600.....	18	9	18	9
600 and under 800.....	24	12	24	12
800 and over.....	30	15	30	15



§ 33.40-10 *Number required on tank barges—B/ALL.* All tank barges regardless of size, shall have at least two approved 30 inch ring life buoys on board: *Provided*, That unmanned barges are exempt from this section.

§ 33.40-15 *Distribution and securing—TB/ALL.* (a) All ring life buoys shall be placed so as to be readily accessible to the persons on board, and their positions plainly indicated so as to be known to all persons concerned.

(b) The ring life buoys shall always be capable of being cast loose, and shall not be permanently secured in any way.

#### SUBPART 33.45—DISTRESS SIGNALS

1. The heading for Subpart 33.45 has been changed from "Distress Lights" to "Distress Signals."

2. Section 33.45-1 is amended to read as follows:

§ 33.45-1 *Distress signals—T/ALL and B/OC.* On every manned tank vessel of 150 gross tons and over there shall be carried 12 approved hand red flare distress signals in a watertight container, or 12 approved hand combination flare and smoke distress signals in a watertight container. Service use shall be limited to a period of three years from date of manufacture. Distress signals not bearing date of manufacture shall not be carried. For specifications for the above signals, see Subparts 160.021 and 160.023 in Subchapter Q (Specifications) of this chapter.

3. Part 33 is amended by adding a new section 33.45-10, reading as follows:

§ 33.45-10 *Stowage of distress signals—TB/ALL.* All tank vessels required to carry pyrotechnic distress signals shall carry such signals in watertight containers near the pilothouse, on the navigator's bridge, or in some other suitable, readily accessible location other than in the lifeboats. In no case shall pyrotechnics be permitted to be carried in enclosed spaces, adjacent to cargo tanks or near sources of heat. Tank vessels required to carry a magazine chest may carry the distress signals in the magazine chest.

#### SUBPART 33.50—SIGNALING LAMP

Section 33.50-1 is amended to read as follows:

§ 33.50-1 *Signaling lamp—T/O.* Tank ships of over 150 gross tons engaged on international voyages shall be equipped with an efficient daylight signaling lamp. For detailed requirements see Subpart 113.60 of Subchapter J (Electrical Engineering) of this chapter.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 676; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

#### PART 34—FIRE-FIGHTING EQUIPMENT

##### SUBPART 34.05—INSPECTION

Section 34.05-1 is amended by adding a new paragraph (e), reading as follows:

§ 34.05-1 *Inspection of fire-fighting equipment; general—TB/ALL.* \* \* \*

(e) Cylinders used for storing carbon dioxide shall be fabricated, tested, and marked in accordance with the regulations of the Interstate Commerce Commission. However, cylinders continuously installed aboard a vessel need not be removed, tested, and marked more often than once in each 12 years.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 676; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

#### PART 35—OPERATIONS

##### SUBPART 35.01—SPECIAL OPERATING REQUIREMENTS

1. Section 35.01-5 (c) is amended to read as follows:

§ 35.01-5 *Sanitary condition and crew quarters—T/ALL.* \* \* \*

(c) Before making any important repairs to or changes in the electrical installation, an inspection shall be made as required by § 111.05-10 (f) of Subchapter J (Electrical Engineering) of this chapter, and such changes or repairs shall (1) comply with the requirements of this Subchapter J and (2) have the approval of the chief engineer. Miscellaneous electrical appliances intended to provide additional artificial lighting, entertainment, and for personal use, etc. shall also be subject to the approval of the chief engineer.

2. Part 35 is amended by adding a new § 35.01-20, reading as follows:

§ 35.01-20 *Pilot ladders—T/OC.* Every tank ship which normally employs a pilot shall have a suitable ladder available for the use of the pilot in addition to ladders required by § 33.20-1 (c) of this subchapter. This pilot ladder need not meet the requirements of Subpart 160.017 of Subchapter Q (Specifications) of this chapter.

##### SUBPART 35.10—FIRE AND EMERGENCY REQUIREMENTS

Section 35.10-5 (i) is amended to read as follows:

§ 35.10-5 *Emergency signal; fire and lifeboat drills—T/ALL.* \* \* \*

(i) A copy of these requirements (Form CG-809) shall be furnished to each tankship to which this subpart applies. This form shall be framed under glass and posted in a conspicuous place.

##### SUBPART 35.25—ENGINE DEPARTMENT

Part 35 is amended by adding new §§ 35.25-15 and 35.25-20, reading as follows:

§ 35.25-15 *Carrying of excess steam—TB/ALL.* It shall be the duty of the chief engineer of any tank vessel to see that a steam pressure is not carried in excess of that allowed by the certificate of inspection, and to see that the safety valves, once set and sealed by the inspector are in no way tampered with or made inoperative except as provided in Section 35.25-20.

§ 35.25-20 *Breaking of safety valve seal—TB/ALL.* If at any time it is necessary to break the seal on a safety valve

for any purpose, the chief engineer shall advise the Officer in Charge, Marine Inspection, at the next port of call, giving the reason for breaking the seal and requesting that the valve be examined and adjusted by a marine inspector.

##### SUBPART 35.30—GENERAL SAFETY RULES

Part 35 is amended by adding new §§ 35.30-30 and 35.30-35, reading as follows:

§ 35.30-30 *Portable electrical equipment—TB/ALL.* When the vessel is not gas free, no portable electrical equipment shall be used in the cargo or fuel oil tanks, the cargo pump rooms, or any enclosed space immediately above or adjacent to the bulk cargo tanks, except that lighting may be obtained by the use of approved explosion-proof, self-contained, battery-fed lamps.

§ 35.30-35 *Spark producing devices—TB/ALL.* Except where Grade E liquid cargo only is involved, no spark producing devices whether power-driven or manually operated shall be used in cargo pump rooms or in enclosed spaces immediately above or adjacent to cargo tanks, unless these spaces are gas free.

##### SUBPART 35.35—CARGO HANDLING

1. Section 35.35-1 is amended to read as follows:

§ 35.35-1 *Men on duty—TB/ALL.* A sufficient number of the crew shall be on duty to perform transfer operations. In the case of unmanned barges, the owners or operators of such barges shall insure that a person holding a valid license as master, mate, pilot or engineer, or a certificated tankerman is on duty to perform transfer operations, which licensed person or certificated tankerman shall be considered as the person in charge of the unmanned tank barge.

2. Section 35.35-65 *Cargo handling on unmanned tank barges—B/R* is canceled.

##### SUBPART 35.40—MARKING OF FIRE AND EMERGENCY EQUIPMENT

1. Section 35.40-1 is amended to read as follows:

§ 35.40-1 *General alarm contact maker—TB/ALL.* Each general alarm bell contact maker located as required in § 32.25-1 (b) shall be marked with lettering on a corrosion-resistant plate, or with a sign in red letters on a suitable background with the words "GENERAL ALARM."

2. Section 35.40-20 is amended to read as follows:

§ 35.40-20 *Emergency equipment—TB/ALL.* Lockers or spaces where emergency equipment is stowed shall be marked: "EMERGENCY EQUIPMENT" or "FRESH AIR BREATHING APPARATUS" as appropriate.

3. Section 35.40-25 is amended to read as follows:

§ 35.40-25 *Fire extinguishers—TB/ALL.* Each fire extinguisher shall be marked with a number and the location where stowed shall be marked in corresponding numbers in at least 1/2 inch figures.



4. Section 35.40-30 is amended to read as follows:

§ 35.40-30 *Instructions for changing steering gear—TB/ALL.* Instructions in at least ½ inch letters and figures shall be posted in the steering engine room, relating in order, the different steps to be taken in changing to the emergency steering gear. Each clutch, gear wheel, lever, valve or switch which is used during the changeover shall be numbered or lettered on a brass plate or painted so that the markings can be recognized at a reasonable distance. The instructions shall indicate each clutch or pin to be "in" or "out" and each valve or switch which is to be "opened" or "closed" in shifting to any means of steering for which the vessel is equipped. Instructions shall be included to line up all steering wheels and rudder amidship before changing gears.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4426, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, sec. 2, 54 Stat. 1028, as amended, 68 Stat. 675; 46 U. S. C. 404, 367, 526p, 463a; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

#### PART 38—LIQUEFIED PETROLEUM GASES

Part 38 is amended to read as follows:

##### SUBPART 38.01—GENERAL

- Sec.  
38.01-1 Scope of regulations—TB/ALL.  
38.01-5 Certificate of inspection—TB/ALL.

##### SUBPART 38.05—DESIGN AND INSTALLATION OF CARGO TANKS

- 38.05-1 Design and construction—TB/ALL.  
38.05-5 Markings—TB/ALL.  
38.05-10 Installation of cargo tanks—TB/ALL.  
38.05-15 Cargo tanks on barges—B/ALL.  
38.05-20 Lagging—TB/ALL.  
38.05-25 Refrigerated systems—TB/ALL.

##### SUBPART 38.10—PIPING, VALVES, FITTINGS AND ACCESSORY EQUIPMENT

- 38.10-1 Valves, fittings and accessories—TB/ALL.  
38.10-5 Filling and discharge pipes—TB/ALL.  
38.10-10 Cargo piping—TB/ALL.  
38.10-15 Safety relief valves—TB/ALL.  
38.10-20 Liquid level gaging devices—TB/ALL.

##### SUBPART 38.15—SPECIAL CARGO HANDLING REQUIREMENTS

- 38.15-1 Filling densities—TB/ALL.  
38.15-5 Cargo hose—TB/ALL.

##### SUBPART 38.20—VENTING AND VENTILATION

- 38.20-1 Venting—T/ALL.  
38.20-5 Venting—B/ALL.

##### SUBPART 38.25—PERIODIC INSPECTIONS AND TESTS

- 38.25-1 Tests and inspections—TB/ALL.  
38.25-5 Removal of defective tanks—TB/ALL.  
38.25-10 Safety valves—TB/ALL.

AUTHORITY: §§ 38.01-1 to 38.25-10 issued under R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 676; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

##### SUBPART 38.01—GENERAL

§ 38.01-1 *Scope of regulations—TB/ALL.* The regulations in this part contain requirements for the transportation

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in fixed independent cargo tanks of liquefied petroleum gases in bulk. The regulations covering the transportation in portable tanks of liquefied petroleum gases are contained in Parts 146 and 147 of Subchapter N (Explosives or Other Dangerous Articles on Board Vessels) of this chapter.

§ 38.01-5 *Certificate of inspection—TB/ALL.* The certificate of inspection shall be endorsed for the carriage of liquefied petroleum gases as follows:

Inspected and approved for the carriage of liquefied petroleum gases having vapor pressures not exceeding \_\_\_\_\_ lbs. per square inch gage at 115° F.

##### SUBPART 38.05—DESIGN AND INSTALLATION OF CARGO TANKS

§ 38.05-1 *Design and construction—TB/ALL.* (a) The cargo tanks shall meet the requirements for Class I or Class II arc welded unfired pressure vessels, and shall be fabricated, inspected and tested in accordance with the applicable requirements of Subchapter F (Marine Engineering) of this chapter, except as otherwise provided for in this part.

(b) Unlagged cargo tanks subject to atmospheric temperatures shall be designed for a pressure of not less than the vapor pressure of the gas at 115° F., in pounds per square inch gage, but for not less than 100 pounds per square inch gage.

(c) Where cargo tanks are lagged as required by § 38.05-20, the tanks shall be designed for a pressure of not less than the vapor pressure of the gas at 105° F., in pounds per square inch gage, but for not less than 100 pounds per square inch gage.

(d) Refrigerated cargo tanks, in which the temperature is maintained below the normal atmospheric temperatures, shall be designed for a pressure of not less than the vapor pressure corresponding to the temperature of the liquid at which the system is maintained, plus 25 pounds per square inch gage.

(e) The shell and head thickness of the cargo tanks shall not be less than ¼ inch.

(f) Each tank shall be provided with not less than a 15-inch by 18-inch or 18-inch diameter manhole, fitted with a cover located above the maximum liquid level and as close to the top of the tank as possible. Where access trunks are fitted to the tanks, the diameter of the trunks shall be not less than 30 inches.

§ 38.05-5 *Markings—TB/ALL.* (a) Upon satisfactory completion of tests and inspection, the following marking, at least ¾-inch high, shall be stamped into a noncorrodible nameplate permanently attached to the tank by means of welding:

(Name and address of manufacturer)	
p. s. i.	p. s. i.
(Design pressure)	(Shop test pressure)
(Inspector's No.)	(Initials and CG symbol)
(Manufacturer's Serial No.)	(Date of manufacture)
(Water capacity, U. S. gallons)	

(b) In addition to the markings required by Paragraph (a) of this Section, the following inscription shall be legibly marked on the tank or a corrosion-resistant plate containing this inscription shall be securely attached thereon:

This tank shall not contain a product having a vapor pressure in excess of \_\_\_\_\_ p. s. i. gage at 115° F.

(c) All tank inlet and outlet connections, except safety relief valves, liquid level gaging devices, and pressure gages, shall be labeled to designate whether they terminate in the vapor or liquid space. Labels of corrosion-resistant material may be attached to valves.

(d) All tank markings shall be permanently and legibly stamped in a readily visible position, and shall not be obscured by painting. If the tanks are lagged the markings attached to the tank proper shall be duplicated on a corrosion-resistant plate secured to the outside jacket of the lagging.

§ 38.05-10 *Installation of cargo tanks—TB/ALL.* (a) Cargo tanks shall be independent of the hull and shall be so arranged in the barge or vessel as to provide a minimum clearance of not less than 24 inches on the vessel's side and not less than 15 inches on the vessel's bottom. Where more than one tank is installed in a vessel the distance between such tanks shall be not less than 15 inches unless otherwise approved by the Commandant. Alternate provisions may be made for moving such tanks to provide for adequate inspection and maintenance of the vessel's structure and tanks. See Section 38.05-15 for additional requirements applicable only to tank barges.

(b) Tanks may be located in dry cargo holds or in other cargo tanks meeting the requirements for cofferdams, as prescribed in § 32.60-10 or § 32.65-15, and may be installed "on deck" or "under deck" with the tank protruding above deck. On installations where a portion of the tank extends above the weather deck, provision shall be made to maintain the weather tightness of the deck, except that vessels operating under an assigned load line for restricted routes or on protected inland waters may have tanks located in the holds of hopper type barges without the weather tightness of the deck being maintained.

(c) All cargo tanks shall be installed with the manhole openings and fittings located above the weather deck.

(d) Tanks shall be supported in steel saddles and securely anchored in place. Each tank shall be so supported as to prevent the concentration of excessive loads on the supporting portion of the shell. The design shall show the manner in which the tanks are to be installed, supported and secured in the barge or vessel and shall be approved prior to installation.

(e) No strength welding employed in the attachment of supports, lugs, fittings, etc., shall be done on tanks that require and have been stress-relieved unless authorized by the Commandant.

§ 38.05-15 *Cargo tanks on barges—B/ALL.* Cargo tanks having a capacity



of not more than 60,000 gallons may form part of the structure of a tank barge where adequate provision is made to prevent damage to tanks in the event of collision or grounding. Sides of all tank barges shall be fitted with suitable guards as an added precaution against the cargo tanks becoming damaged as a result of collision.

**§ 38.05-20 Lagging—TB/ALL.** (a) Lagged tanks shall be covered with an incombustible insulation material of a thickness to provide a thermal conductance of not more than 0.075 B. t. u. per square foot per degree Fahrenheit differential in temperature per hour. The insulation material shall be of an approved type complying with the requirements of Subpart 164.009 of Subchapter Q (Specifications) of this chapter, and shall be given a vapor-proof coating with fire-retardant material acceptable to the Commandant. Tanks exposed to the weather shall have the insulation and the vapor-proof coating covered with a removable sheet metal jacket of not less than 0.083 inch thickness and flashed around all openings so as to be weather-tight.

**§ 38.05-25 Refrigerated systems—TB/ALL.** (a) Where refrigerated systems are installed to maintain the temperature of the liquid below atmospheric, at least two complete refrigeration plants automatically regulated by pressure variations within the tanks shall be provided, each to be complete with the necessary auxiliaries for proper operation. The capacity of each refrigeration compressor shall be sufficient to maintain the vapor pressure in the tanks during the peak atmospheric temperature conditions below the pressure for which the tanks are designed.

(b) An alternate arrangement may consist of three compressors, any two of which shall be capable of maintaining the vapor pressure in the tanks during peak atmospheric temperature conditions below the pressure for which the tanks are designed, the third compressor acting as a standby unit.

(c) Refrigerated tanks shall be insulated in conformance with the requirements of § 38.05-20.

#### SUBPART 38.10—PIPING, VALVES, FITTINGS AND ACCESSORY EQUIPMENT

**§ 38.10-1 Valves, fittings and accessories—TB/ALL.** (a) All valves, flanges, fittings, and accessory equipment shall be of a type suitable for use with liquefied petroleum gases, and shall be made of steel or Grade A malleable iron conforming to the requirements of Part 51 of Subchapter F (Marine Engineering) of this chapter. All fittings shall be of not less than 300-pound standard, provided that in refrigerated tank systems designed for pressures less than 150 p. s. i., 150-pound standard may be permitted. Welded fittings shall be used wherever possible and the number of pipe joints shall be held to a minimum. Screwed joints in the cargo liquid and vapor lines are prohibited. Unless otherwise indicated herein, the pressure rating of valves, fittings and accessories shall be not less than the maximum pressure for which the tank is designed.

(b) Valve seat material, packing, gaskets, etc. shall be resistant to the action of the liquefied petroleum gas in the liquid phase. All flange and manhole cover gasket material shall be noncombustible and capable of withstanding a temperature of 1,000° F. without failure.

(c) Each tank shall be provided with the necessary fill and discharge liquid and vapor-shut-off valves, safety relief valves, and liquid level gaging devices, which shall be grouped in the smallest practicable space and located near the highest point on the tank above the weather deck. All valves, fittings, accessories, safety devices, etc. which are directly connected to the tank shall be suitably protected against mechanical damage and tampering. Other openings in the tanks, except as specifically permitted by this subchapter, are prohibited.

(d) All connections to tanks, except safety relief valves and liquid level gaging devices, shall have manually operated shutoff valves located as close to the tank as possible.

(e) Excess flow valves, where required by this section, shall close automatically at the rated flow of vapor or liquid as specified by the manufacturer. The piping, including valves, fittings and appurtenances protected by an excess flow valve, shall have a greater capacity than the rated flow of the excess flow valve.

(f) Liquid level gaging devices which are so constructed that outward flow of tank contents shall not exceed that passed by a No. 54 drill size opening, need not be equipped with excess flow valves.

(g) Pressure gage connections need not be equipped with excess flow valves if the openings are not larger than No. 54 drill size.

(h) Excess flow valves may be designed with a bypass not to exceed a No. 60 drill size opening to allow equalization of pressure.

(i) Prior to disconnecting shore lines, the pressure in the liquid and vapor lines shall be relieved to the atmosphere through suitable valves installed at the loading header.

(j) Relief valves shall be fitted in liquid lines which may be subject to excessive pressure caused by liquid full condition and the escape from the relief valves shall be piped to the venting system.

(k) A pressure gage shall be located at the highest practicable point. A thermometer well, where fitted, shall terminate in the liquid space and be attached to the shell by welding with the end of the fitting being provided with a gas-tight screwed plug or bolted cover.

**§ 38.10-5 Filling and discharge pipes—TB/ALL.** (a) Filling connections shall be provided with one of the following:

- (1) A combination back pressure check valve and excess flow valve; or
- (2) One double or two single back pressure check valves; or
- (3) A positive shut-off valve in conjunction with either an internal back pressure check valve or an internal excess flow valve.

(b) All other liquid and vapor connections to tanks, except filling connections, safety relief valves, liquid level gaging devices and pressure gages described in § 38.10-1, shall be equipped with automatic excess flow valves; or in lieu thereof, may be fitted with quick closing internal stop valves, which, except during filling and discharge operations, shall remain closed. The control mechanism for such valves shall be provided with a secondary remote control of a type acceptable to the Commandant. In addition, such control mechanism shall be equipped with a fusible plug, designed to melt between 208° F. and 220° F., which will cause the internal stop valve to close automatically in case of fire.

(c) The excess flow, internal stop, or back pressure check valves shall be located on the inside of the tank or outside where the piping enters the tank. In the latter case, installation shall be made in such a manner that any undue strain will not cause breakage between the tank and excess flow, back pressure check, or internal stop valve.

(d) Where the filling and discharge connections are made through a common nozzle at the tank, and the connection is fitted with a quick-closing internal stop valve as required by Paragraph (b) of this Section, the back pressure check valve or excess flow valve is not required, provided, however, a positive shut-off valve is installed in conjunction with the internal stop valve.

#### **§ 38.10-10 Cargo piping—TB/ALL.**

(a) All piping, valves, and fittings shall be designed for a working pressure of not less than the vapor pressure of the gas at 115° F., or the maximum pressure to which the system may be subjected. In the case of piping on the discharge side of the liquid pumps or vapor compressors, the design pressure shall be not less than the pump or compressor discharge relief valve setting; or, provided the piping is not fitted with relief valves, the design pressure shall not be less than the total discharge head of the pump or compressor.

(b) Piping subject to tank pressure shall be seamless drawn steel or electric resistance welded steel.

(c) Where necessary, provision shall be made for expansion and contraction of piping by means of seamless steel pipe expansion bends. Suitable means shall be provided for controlling the expansion in the piping system. Special consideration will be given for the use of packless type bellows or corrugated expansion joints. Slip type expansion joints are prohibited.

(d) Piping shall be provided with adequate support to take the weight of the piping off the valves and fittings and to prevent excessive vibration.

**§ 38.10-15 Safety relief valves—TB/ALL.** (a) Each tank shall be fitted with one or more safety relief valves designed, constructed and flow-tested for capacity in conformance with Subpart 162.018 of Subchapter Q (Specifications) of this chapter.

(b) Each safety relief valve shall be set to start to discharge at a pressure not



in excess of the design pressure of the tank.

(c) (1) The safety relief valves shall have a combined relieving capacity sufficient to prevent a rise of pressure in the tank of more than 20 percent above the maximum allowable pressure when all the safety relief valves are blowing. The minimum rates of discharge of safety relief valves for uninsulated tanks shall be not less than that determined by the following formula:

$$Q = 53.632A^{0.82} \quad (1)$$

where:

$Q$  = minimum required rate of discharge, in cubic feet per minute of standard air at 120 percent of the maximum set pressure of the safety relief valve. Discharge measured at 60° F. and atmospheric pressure (14.7 p. s. i. a.)

$A$  = total external surface area of the tank, in square feet.

$= \mu(D \times U)$  for cylindrical tanks with hemispherical heads,

$= \mu D(U + 0.3D)$ , for cylindrical tanks with spherically dished or semi-ellipsoidal heads,

$= \mu D^2$ , for spherical tanks.

$D$  = outside diameter of the tank, in feet.

$U$  = external overall length of the tank, in feet.

(2) The minimum rates of discharge of safety relief valves for lagged tanks insulated in conformance with the requirements of § 38.05-20 need only be 50 percent of the capacity required for uninsulated tanks.

(d) Safety relief valves shall be attached to the tank near the highest point of the vapor space. Shutoff valves shall not be installed between the tanks and safety relief valves, except manifolds for mounting multiple safety relief valves may be fitted with acceptable interlocking shutoff valves so arranged at all times as to permit the required capacity discharge through the open safety relief valves.

(e) Each safety relief valve shall be tested in the presence of an inspector before being placed in service. The tests shall satisfactorily indicate that the safety relief valves will start to discharge at a pressure not in excess of the maximum allowable pressure of the tank.

§ 38.10-20 *Liquid level gaging devices—TB/ALL.* (a) Each tank shall be fitted with a liquid level gaging device of approved design to indicate the maximum level to which the tank may be filled with liquid at temperatures between 20° F. and 130° F.

(b) Liquid level gaging devices may be of the following types: rotary tube, slip tube, fixed tube, magnetic, automatic float, or similar types approved by the Commandant.

(c) All gaging devices shall be arranged so that the maximum liquid level for butane, mixtures of butane and propane, or propane, to which the tank may be filled is readily determinable. The maximum gallonage capacity as required by § 38.15-1 shall be marked on the tank, system name plate, or gaging device.

(d) Gaging devices that require bleeding of the product to the atmosphere, such as the rotary tube, fixed tube and slip tube, shall be so designed that the

bleed valve maximum opening is not larger than a No. 54 drill size, unless provided with excess flow valve.

(e) Automatic float continuous reading tape gages, and similar types, shall be fitted with a shutoff valve located as close to the tank as practicable, which shall be designed to close automatically in the event of fracture of the external gage piping. An automatic float gage shall always be used in conjunction with a fixed tube device.

(f) Gaging devices shall have a design pressure of at least 250 pounds per square inch.

(g) Length of fixed tube device shall be designed to indicate the maximum level to which the tank may be filled, based on the volume of the product at 40° F. at its maximum permitted filling density for unlagged tanks and at 50° F. for lagged tanks. The maximum volume of the liquid at 60° F. may be obtained

by determining the volume of the liquid at 40° F. or 50° F. for unlagged or lagged tanks, using the filling densities given in § 38.15-1 and correcting the liquid volumes at these temperatures to 60° F. by applying the volume correction factors in table 38.10-20 (g).

TABLE 38.10-20 (g)—VOLUME CORRECTION FACTORS

Specific gravity	Unlagged tanks	Lagged tanks
0.500	1.033	1.017
.510	1.031	1.016
.520	1.029	1.015
.530	1.028	1.014
.540	1.026	1.013
.550	1.025	1.013
.560	1.024	1.012
.570	1.023	1.011
.580	1.021	1.011
.590	1.020	1.010

(h) The method for calculating length of fixed tubes shall be:

$$\frac{\text{Water capacity of container} \times \text{filling density}}{\text{Specific gravity} \times \text{volume correction factor}} = \text{Maximum volume for which fixed length tube shall be set}$$

(i) Gage glasses of the columnar type are prohibited.

(j) Flat sight glasses may be used in the design of automatic float continuous reading tape gages: *Provided*, That such glasses shall be made of heat-treated, high strength material of not less than 1/2 inch in thickness and adequately protected by a metal cover.

#### SUBPART 38.15—SPECIAL CARGO HANDLING REQUIREMENTS

§ 38.15-1 *Filling densities—TB/ALL.* The "filling density" is defined as the percent ratio of the weight of the gas in a tank to the weight of water the tank will hold at 60° F. The filling densities shall not exceed the ratios indicated in the table 38.15-1.

TABLE 38.15-1—MAXIMUM PERMISSIBLE FILLING DENSITIES

Specific gravity at 60° F.	Maximum permitted filling density		
	Unlagged tanks—water capacity		Lagged tanks—all capacities
	1,200 gal. and under	Over 1,200 gal.	
0.473-0.480	38	41	42
0.481-0.488	39	42	43
0.489-0.495	40	43	44
0.496-0.503	41	44	45
0.504-0.510	42	45	46
0.511-0.519	43	46	47
0.520-0.527	44	47	48
0.528-0.536	45	48	49
0.537-0.544	46	49	50
0.545-0.552	47	50	51
0.553-0.560	48	51	52
0.561-0.568	49	52	53
0.569-0.576	50	53	54
0.577-0.584	51	54	55
0.585-0.592	52	55	56
0.593-0.600	53	56	57
0.601-0.608	54	57	58
0.609-0.617	55	58	59
0.618-0.626	56	59	60
0.627-0.634	57	60	61

Note: Increase in filling densities to provide for seasonal changes and refrigeration of cargo may be considered by the Commandant upon presentation of factual evidence that safe operation can be effected.

§ 38.15-5 *Cargo hose—TB/ALL.* (a) Flexible metal hose fabricated of seam-

less steel pipe and flexible joints of steel or bronze, or hose fabricated of other suitable material resistant to the action of liquefied petroleum gases shall be fitted to the liquid and vapor lines during filling and discharging of the tanks.

(b) Hose subject to tank pressure shall be designed for a bursting pressure of not less than five times the maximum safety relief valve setting of the tank.

(c) Hose subject to discharge pressure of pumps or vapor compressors shall be designed for a bursting pressure of not less than five times the pressure setting of the pump or compressor relief valve.

(d) Before being placed in service each new cargo hose, with all necessary fittings attached, shall be tested hydrostatically by the manufacturer to a pressure of not less than twice the maximum pressure to which it may be subjected. The hose shall be marked with the maximum pressure guaranteed by the manufacturer.

#### SUBPART 38.20—VENTING AND VENTILATION

§ 38.20-1 *Venting—T/ALL.* (a) Each safety relief valve installed on a cargo tank shall be connected to a branch vent of a venting system which shall be constructed so that the discharge of gas will be directed vertically upward to a point at least 10 feet above the weather deck or the top of any tank or house located above the weather deck.

(b) The capacity of branch vents or vent headers shall depend upon the number of cargo tanks connected to such branch or header capacity as provided for in the table 38.20-1 (b), and upon the total safety relief valve discharge capacity.

TABLE 38.20-1 (b)—CAPACITY OF BRANCH VENTS OR VENT HEADERS

Number of cargo tanks:	Percent of total valve discharge
1 or 2	100
3	90
4	80
5	70
6 or more	60



(c) In addition to the requirements specified in paragraphs (a) and (b) of this section, the size of the branch vents or vent headers shall be such that the back pressure in the relief valve discharge lines shall not be more than 10 percent of the safety relief valve setting.

(d) Return bends and restrictive pipe fittings are not permitted.

(e) Vents and headers shall be so installed as to prevent excessive stresses on safety relief valve mountings.

(f) The vent discharge riser shall be so located as to provide protection against mechanical injury and such discharge pipes shall be fitted with loose raincaps or other suitable means to prevent entrance of rain or snow.

(g) No valve of any type shall be fitted in the vent pipe between the safety relief valve and the vent outlets.

(h) Suitable provision shall be made for draining condensate which may accumulate in the discharge pipe.

**§ 38.20-5 Venting—B/ALL.** (a) Safety relief valves on cargo tanks in barges may be connected to individual or common risers which shall extend to a reasonable height above the deck. An alternate arrangement consisting of a branch vent header system as required by § 38.20-1 may be installed. In any case, the provisions of § 38.20-1 (d) through (h) shall apply.

(b) Arrangement specially provided for venting cargo tanks forming a part of the hull on unmanned barges will be considered by the Commandant upon presentation of plans.

#### SUBPART 38.25—PERIODIC INSPECTIONS AND TESTS

**§ 38.25-1 Tests and inspections—TB/ALL.** (a) Each tank shall be subjected to the following tests and inspections at the following stated intervals:

(1) An internal examination shall be made at least once in each 8 calendar years.

(2) An external examination of unlagged tanks and the visible parts of lagged tanks shall be made at each annual inspection.

(3) The lagging shall be removed from lagged tanks at least once in each 8 calendar years for external examination of the tanks.

(b) A hydrostatic test of  $1\frac{1}{2}$  times the allowable pressure as determined by the safety relief valve setting shall be made at any time that the inspector considers such hydrostatic test necessary to determine the condition of the tank.

**§ 38.25-5 Removal of defective tanks—TB/ALL.** If a tank fails to pass the tests prescribed in this subpart, it shall be removed from service unless otherwise authorized by the Commandant.

**§ 38.25-10 Safety valves—TB/ALL.** The safety relief valve discs shall be lifted from their seats in the presence of an inspector by either liquid, gas or vapor pressure at least once every four years to determine the accuracy of adjustment and, if necessary, shall be reset.

#### Subchapter H—Passenger Vessels

##### PART 70—GENERAL PROVISIONS

###### SUBPART 70.05—APPLICATION

Section 70.05-1 is amended by revising footnotes 1 and 6 in Table 70.05-1 (a) to read as follows:

**§ 70.05-1 Vessels subject to the requirements in this subchapter.** \* \* \*

###### TABLE 70.05-1 (a)

<sup>1</sup> Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter are also applicable under certain conditions.

\* Vessels covered by Subchapter H (Passenger Vessels), or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of inflammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the inflammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4426, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 54 Stat. 1028, as amended, 68 Stat. 675; 46 U. S. C. 404, 369, 367, 526, 1333, 463a; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

#### Subchapter I—Cargo and Miscellaneous Vessels

##### PART 90—GENERAL PROVISIONS

###### SUBPART 90.05—APPLICATION

Section 90.05-1 is amended by revising footnotes 1 and 6 in Table 90.05-1 (a) to read as follows:

**§ 90.05-1 Vessels subject to requirements of this subchapter.** \* \* \*

###### TABLE 90.05-1 (a)

<sup>1</sup> Subchapter E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter are also applicable under certain conditions.

\* Vessels covered by Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of inflammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the inflammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4426, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, sec. 2, 54 Stat. 1028, as amended, 68 Stat. 675; 46 U. S. C. 404, 367, 526p, 463a; E. O. 10402, 17 F. R. 9917; 3 CFR 1952 Supp.)

#### Subchapter J—Electrical Engineering

##### PART 110—GENERAL PROVISIONS

###### SUBPART 110.01—BASIS AND PURPOSE OF REGULATIONS

Section 110.01-10 is amended to read as follows:

**§ 110.01-10 Authority for regulations—(a) General.** (1) The authority to prescribe regulations generally is set forth in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416), as well as in other provisions of Title 52 of the Revised Statutes and acts amendatory thereof or supplemental thereto. Under the provisions of R. S. 4403, as amended (46 U. S. C. 372), the Commandant, United States Coast Guard, superintends the administration of the vessel inspection laws and is required to produce a correct and uniform administration of the inspection laws, rules, and regulations.

(b) *Tank vessels.* The regulations regarding electrical apparatus and equipment which may be used on tank vessels interpret or apply R. S. 4417a and sec. 3 (c) of Public Law 569, 83d Cong., 68 Stat. 676 (46 U. S. C. 391a), as well as Executive Order 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

(c) *Passenger vessels.* (1) The regulations regarding electrical apparatus and equipment which may be used on passenger vessels interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4433, and 4453, as amended, section 14, 29 Stat. 690, section 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, section 3, 54 Stat. 346, section 2, 54 Stat. 1028, and sec. 3 (c), Public Law 569, 83d Cong., 68 Stat. 676 (46 U. S. C. 361, 362, 391, 392, 399, 404, 411, 435, 366, 395, 363, 369, 367, 463a, 1333).

(d) *Cargo and miscellaneous vessels.* (1) The regulations regarding electrical apparatus and equipment which may be installed on cargo and miscellaneous vessels interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4427, 4433, and 4453, as amended, section 14, 29 Stat. 690, section 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1544, section 2, 54 Stat. 1028, and sec. 3 (c), Public Law 569, 83d Cong., 68 Stat. 676 (46 U. S. C. 361, 362, 391, 392, 399, 404, 405, 411, 435, 366, 395, 363, 367, 463a).

(e) *Uninspected vessels.* (1) The regulations regarding electrical apparatus and equipment which may be installed on uninspected vessels interpret or apply section 17, 54 Stat. 166, as amended (46 U. S. C. 526p).

(f) *Exemptions.* (1) Public vessels owned by the United States, other than those engaged in commercial service, are to be exempt from the regulations in this subchapter. Certain other vessels may be exempt from the requirements of the regulations in this subchapter when so provided by law.

###### SUBPART 110.05—APPLICATION

Section 110.05-1 is amended to read as follows:

**§ 110.05-1 Vessels subject to the requirements of this subchapter.** (a) This subchapter shall be applicable to all ves-



sels as indicated in columns 3, 4, and 5 of Table 110.05-1 (a) and shall apply to all such United States flag vessels, and to all foreign vessels which carry passengers from any port in the United States to the extent prescribed by law, except as follows:

(1) Any vessel of a foreign nation signatory to the International Convention for Safety of Life at Sea, 1948, and which

has on board a current, valid safety certificate.

(2) Any vessel of a foreign nation having inspection laws approximating those of the United States together with reciprocal inspection arrangements with the United States, and which has on board a current, valid certificate of inspection issued by its government under such arrangements.

(3) Any vessel operating exclusively on inland waters which are not navigable waters of the United States.

(4) Any vessel laid up and dismantled and out of commission.

(5) With the exception of vessels of the U. S. Maritime Administration, any vessel with the title vested in the United States and which is used for public purposes.

TABLE 110.05-1 (a)

Method of propulsion	Size or other limitations	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations			
		Vessels inspected and certificated under Subchapter D, Regulations for Tank Vessels <sup>1</sup>	Vessels inspected and certificated under Subchapter H, Regulations for Passenger Vessels <sup>1,2</sup>	Vessels inspected and certificated under Subchapter I, Regulations for Cargo and Miscellaneous Vessels <sup>1,2</sup>	Vessels subject to provisions of Subchapter C, Regulations for Uninspected Vessels <sup>1,2,3</sup>
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam.....	Vessels 40 feet in length and under. <sup>4</sup>	All vessels carrying combustible or inflammable liquid cargo in bulk.	None.....	All tug boats and tow boats.	All vessels except those covered by Subchapters D and I.
	Vessels over 40 but not over 65 feet in length. <sup>4</sup>	All vessels carrying combustible or inflammable liquid cargo in bulk.	None.....	All tug boats and tow boats.	All vessels except those covered by Subchapters D and I. <sup>4</sup>
	Vessels over 65 feet in length. <sup>4</sup>	All vessels carrying combustible or inflammable liquid cargo in bulk. <sup>6</sup>	All vessels carrying more than 12 passengers on an international voyage except yachts, and all other vessels carrying passengers except: 1. Yachts. 2. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew. 3. Towing and fishing vessels, in other than ocean and coastwise service, issued a permit to carry persons on the legitimate business of the vessel, in addition to the crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by Subchapters D and H.	None.
Motor.....	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	None.....	None.....	All vessels except those covered by Subchapter D.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk. <sup>6</sup>	All vessels carrying more than 12 passengers on an international voyage, except yachts, and all other vessels carrying passengers for hire except documented cargo vessels over 65 feet in length issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by Subchapters D and H.	All vessels except those covered by Subchapters D, H, and I.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk. <sup>6</sup>	All vessels carrying more than 12 passengers on an international voyage except yachts, and all other vessels carrying passengers except: 1. Yachts. 2. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by Subchapters D and H, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by Subchapters D, H, and I.
Sail.....		All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels over 700 gross tons carrying passengers for hire.	None.....	None.
Non-Self-Propelled.	Seagoing barges.....	All barges carrying combustible or inflammable liquid cargo in bulk.	All barges 100 gross tons and over carrying passengers.	All barges 100 gross tons and over except those covered by Subchapters D and H.	All barges carrying passengers, except those covered by Subchapter H.
	Inland barges.....	All barges carrying combustible or inflammable liquid cargo in bulk.	All barges over 100 gross tons carrying passengers for hire.	None.....	All barges carrying passengers except those covered by Subchapter H.

<sup>1</sup> Subchapters E (Load Lines) F (Marine Engineering), J (Electrical Engineering) and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter are also applicable under certain conditions.

<sup>2</sup> Public nautical school ships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U. S. C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

<sup>3</sup> Any vessel on an international voyage is subject to the applicable requirements of the International Convention for Safety of Life at Sea, 1948.

<sup>4</sup> Length measured from end to end over deck, excluding sheer.

<sup>5</sup> Boilers and machinery are subject to examination.

<sup>6</sup> Vessels covered by Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo may be granted a permit to carry a limited amount of inflammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the inflammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.



SUBPART 110.15—DEFINITIONS OF TERMS  
USED IN THIS SUBCHAPTER

1. Section 110.15-45 *Passenger vessel* is canceled.

2. Section 110.15-190 is amended to read as follows:

§ 110.15-190 *Vessel*. (a) Where the word "vessel" is used in this subchapter, it shall be considered to include all vessels indicated in Columns 3, 4 and 5 of Table 110.05-1 (a) except as otherwise noted.

(1) *Cargo vessel*. Where the term "cargo vessel" is used in this subchapter it shall be considered to include all vessels indicated in Column 5 of Table 110.05-1 (a) except as otherwise noted.

(2) *Passenger vessel*. Where the term "passenger vessel" is used in this subchapter it shall be considered to include all vessels indicated in Column 4 of Table 110.05-1 (a) except as otherwise noted.

(3) *Tank barge; tank ship; tank vessel*. For definitions of these terms as used in this subchapter, see §§ 111.70-5 (i), 111.70-5 (j), and 111.70-5 (k) of this subchapter.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4427, 4433, 4453, as amended, sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, as amended, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333 463a; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 111—ELECTRICAL SYSTEM; GENERAL  
REQUIREMENTS

## SUBPART 111.05—GENERAL REQUIREMENTS

Section 111.05-10 (b) (1) is amended to read as follows:

§ 111.05-10 *Testing and inspection*.

(b) (1) The general requirements for inspection of vessels are contained in Part 31 of Subchapter D (Tank Vessels), Part 71 of Subchapter H (Passenger Vessels), and Part 91 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter. The contents of this section supplement the general requirements contained in other parts of this chapter.

## SUBPART 111.10—GENERATORS

Section 111.10-15 (h) is amended to read as follows:

§ 111.10-15 *Generator construction*.

(h) (1) Fire extinguishing systems suitable for fires in electrical equipment are to be fitted to propulsion generators which are enclosed or in which the air gap is not directly exposed. See Part 34 of Subchapter D (Tank Vessels), Part 76 of Subchapter H (Passenger Vessels) and Part 95 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter for details of the systems.

SUBPART 111.50—DISTRIBUTION AND CIRCUIT  
LOADS

1. Section 111.50-5 is amended by revising paragraph (c) and by adding a new paragraph (f), reading as follows:

§ 111.50-5 *Ship's service power circuits*. \* \* \*

(c) *Ventilation systems*. Cargo ventilation fans, machinery spaces ventilating fans, and accommodation ventilating fans shall, if practicable, be supplied by separate feeders. All electrical ventilation systems shall be provided with remote control means for stopping the motors in case of fire or other emergency. For the machinery space ventilation there shall be provided a control located in the passageway leading to, but outside of, the space. For all other ventilation systems, a control station shall be located in the fire control room or wheelhouse, if continuously manned both when underway and when at dock, or in an accessible position in the passageway leading to, but outside of, the space ventilated. These emergency control push button stations shall be protected by installing glass doors on which there will be marked: "In case of fire break glass and push button to stop ventilation." Each push button shall be provided with a nameplate identifying the system with which it is associated. This remote control system shall be of the under-voltage protection type and so arranged that damage to the master switch or cable will automatically stop the fans. For automatic shut-down of mechanical ventilation in spaces protected by a carbon dioxide fire extinguishing system, see Part 34 of Subchapter D (Tank Vessels), Part 76 of Subchapter H (Passenger Vessels) and Part 95 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(f) *Tank vessels*. For special requirements for tank vessels see Subpart 111.70 of this part.

2. Section 111.50-15 (e) (1) is amended to read as follows:

§ 111.50-15 *Lighting branch circuits and lighting requirements*. \* \* \*

(e) *Lifeboat floodlights*. (1) Illumination for lifeboat launching operations is required by Part 33 of Subchapter D (Tank Vessels), Part 75 of Subchapter H (Passenger Vessels) and Part 94 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

SUBPART 111.60—WIRING METHODS AND  
MATERIAL

Section 111.60-40 (a) (6) is amended by adding a subdivision (ii), reading as follows:

§ 111.60-40 *Wiring methods and materials for hazardous locations*—(a) *General*. \* \* \*

(6) \* \* \*  
(ii) Special limitations and requirements for electrical installations in hazardous locations on tank vessels are contained in Subpart 111.70 of this part.

SUBPART 111.65—SPECIAL REQUIREMENTS  
FOR CERTAIN LOCATIONS AND SYSTEMS

Section 111.65-40 is amended by revising paragraph (b) and subparagraph (i) (1) to read as follows:

§ 111.65-40 *Special requirements of electric power-operated lifeboat winches*. \* \* \*

(b) *General*. The provisions of this section supplement the requirements of Subpart 160.015 of Subchapter Q (Specifications), Part 33 of Subchapter D (Tank Vessels), Part 75 of Subchapter H (Passenger Vessels) and Part 94 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(i) *Electric power-operated lifeboat winches for existing vessels*. (1) The electrical equipment installed in connection with electric power-operated lifeboat winches used with gravity davits on passenger vessels and cargo vessels contracted for prior to November 19, 1952, and on tank vessels contracted for on or after November 19, 1952 shall comply with the requirements of § 160.015-3 (k) of Subpart 160.015 of Subchapter Q (Specifications) of this chapter and with the wiring arrangements of § 111.65-40 (f).

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4427, 4433, 4453, as amended, sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, as amended, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333 463a; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

SUBPART 111.70—SPECIAL REQUIREMENTS  
FOR TANK VESSELS

Part 111 is amended by adding a new Subpart 111.70, consisting of §§ 111.70-1 to 111.70-90, inclusive, reading as follows:

Sec.  
111.70-1 Application—TB/ALL.  
111.70-5 Definitions.  
111.70-10 Special requirements for tank vessels contracted for on or after November 19, 1955—TB/ALL.  
111.70-90 Special requirements for tank vessels contracted for prior to November 19, 1955—TB/ALL.

AUTHORITY: §§ 111.70-1 to 111.70-90 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4427, 4433, 4453, as amended, sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, as amended, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333 463a; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

§ 111.70-1 *Application—TB/ALL*—

(a) *General*. The requirements of this subpart contain special requirements relative to electrical installations on tank vessels. Except as modified by this subpart and regulations of Subchapter D (Tank Vessels), all other applicable regulations contained in this Subchapter J shall also apply to tank vessels.

(b) *Symbols*. The vessels and services to which each regulation applies are indicated by letters in the heading of the section or paragraph. The first letter or two letters indicates the type of vessel and the letter or letters following the oblique line indicates the waters in which such vessels may operate. The letters are described as follows:

(1) "T" signifies a tank ship.  
(2) "B" signifies a tank barge when it precedes an oblique line; or it signifies



service on bays, sounds, and lakes other than the Great Lakes when it follows an oblique line.

(3) "ALL" signifies service on all waters.

(4) "O" signifies service on ocean waters.

(5) "C" signifies service on coastwise waters.

(6) "L" signifies service on Great Lakes waters.

(7) "R" signifies service on river waters.

§ 111.70-5 *Definitions* (a) *General*—TB/ALL. Certain terms used in this subpart are defined in this section.

(b) *Cargo*—TB/ALL. The term "cargo" means combustible liquid, inflammable liquid, or liquefied inflammable gas unless otherwise stated.

(c) *Cofferdam*—TB/ALL. The term "cofferdam" means a void or empty space separating two or more compartments for the purpose of isolation or to prevent the contents of one compartment from entering another in the event of the failure of the walls of one to retain their tightness.

(d) *Combustible liquid*—TB/ALL. The term "combustible liquid" means any liquid having a flash point above 80° F. (as determined from an open-cup tester, as used for test of burning oils). Combustible liquids having lethal qualities are those having the characteristics of class "B" or "C" poisons as defined in §§ 146.25-3 and 146.25-5 of Subchapter N (Explosives or Other Dangerous Articles on Board Vessels) of this chapter. In the regulations of this subchapter, combustible liquids are referred to by grades, as follows:

(1) *Grade D*. Any combustible liquid having a flash point below 150° F. and above 80° F.

(2) *Grade E*. Any combustible liquid having a flash point of 150° F. or above.

(e) *Flash point*—TB/ALL. The term "flash point" indicates the temperature in degrees Fahrenheit at which a liquid gives off an inflammable vapor when heated in an open-cup tester. For the purpose of the regulations in this subchapter, flash points determined by other testing methods will be equivalent to those determined with an open-cup tester, as follows:

TABLE 111.70-5 (e)—EQUIVALENT FLASH POINTS

Open-cup tester	Tag closed-cup tester (A. S. T. M.)	Pensky-Martens closed tester (A. S. T. M.)
°F. 80 150	°F. 75 -----	°F. ----- 140

(f) *Gas free*—TB/ALL. The term "gas free" means free from dangerous concentrations of inflammable or toxic gases.

(g) *Inflammable liquid*—TB/ALL. The term "inflammable liquid" means any liquid which gives off inflammable vapors (as determined by flash point from an open-cup tester, as used for test of burning oils) at or below a temperature of 80° F. Inflammable liquids having lethal qualities are those having the characteristics of class "B" or "C"

poisons as defined in §§ 146.25-3 and 146.25-5 of Subchapter N (Explosives or Other Dangerous Articles on Board Vessels) of this chapter. Inflammable liquids are referred to by grades, as follows:

(1) *Grade A*. Any inflammable liquid having a Reid<sup>1</sup> vapor pressure of 14 pounds or more.

(2) *Grade B*. Any inflammable liquid having a Reid<sup>1</sup> vapor pressure under 14 pounds and over 8½ pounds.

(3) *Grade C*. Any inflammable liquid having a Reid<sup>1</sup> vapor pressure of 8½ pounds or less and a flash point of 80° F. or below.

(h) *Liquefied inflammable gas*—TB/ALL. The term "liquefied inflammable gas" means any inflammable gas having a Reid<sup>1</sup> vapor pressure exceeding 40 pounds, which has been compressed and liquefied for purposes of transportation. In this subchapter, liquefied inflammable gases are referred to by classes, as follows:

(1) *Class 1*. Any liquefied petroleum gas, including gases or mixtures of gases produced or derived from petroleum or natural gas, and composed predominantly of hydrocarbons or mixtures of hydrocarbons such as propane, propylene, butane, butylene, or butadiene.

(2) *Class 2*. Any liquefied inflammable gas other than liquefied petroleum gas.

(i) *Tank barge*—B/ALL. The term "tank barge" means any tank vessel not equipped with means of self-propulsion.

(j) *Tank ship*—T/ALL. The term "tank ship" means any tank vessel propelled by power or sail.

(k) *Tank vessel*—TB/ALL. The term "tank vessel" means any vessel especially constructed or converted to carry liquid bulk cargo in tanks.

§ 111.70-10 *Special requirements for tank vessels contracted for on or after November 19, 1955*—TB/ALL—(a) *Application*. The requirements of this section apply to all tank vessels contracted for on or after November 19, 1955.

(b) *General*. The special installation requirements, in a general manner, are contained in § 32.45-1 of Subchapter D (Tank Vessels) of this chapter, and, in some instances and to some degree, are repeated in this section for completeness of this subchapter.

(1) *Cable location*. Where practicable, electric cable shall be located well inboard from the sides, preferably along or near the centerline, to reduce the risk of injury in the event of collision, but it shall be kept clear of cargo tank openings. Specific additional requirements for cargo pump rooms and enclosed spaces immediately above or adjacent to cargo tanks are covered in paragraph (c) of this section.

(2) *Equipment location*. Except where Grade E liquids only are involved, switchboards, distribution panels, switches, fuses, and other circuit interrupting or power devices shall not be installed in cargo pump rooms nor in

enclosed spaces immediately above or adjacent to cargo tanks. Regardless of the grade of liquid cargo handled by a tank vessel, storage batteries shall not be located in cargo pump rooms.

(3) *Explosion-proof installations*. Where explosion-proof equipment is required, the equipment and installation thereof shall comply with Section 111.60-40 of this part.

(4) *Portable equipment*. When the vessel is not gas free, no portable electrical equipment shall be used in the cargo or fuel oil tanks, the cargo pump rooms or any enclosed space immediately above or adjacent to the bulk cargo tanks, except that lighting in these spaces may be effected by the use of approved explosion-proof, self-contained, battery-fed lamps.

(c) *Installation requirements on tank vessels handling Grade A, B, C or D liquid cargo*. The requirements of this paragraph apply only to tank vessels handling Grade A, B, C or D liquid cargo.

(1) *Lighting of cargo pump rooms*. Cargo pump rooms shall be lighted either by the use of explosion-proof fixtures or through permanently fixed glass lenses fitted in the bulkhead and/or deck. Each fixed glass lens shall be of rugged construction and arranged to maintain the watertight and gastight integrity of the structure. The fixed glass lens may form a part of a lighting fixture provided that all of the following conditions are complied with:

(i) No means of access to the interior of the fixture from the pump room is provided;

(ii) The fixture is vented to the engine room or a similar safe space;

(iii) The fixture is wired from outside the pump room; and

(iv) The maximum observable temperature on the pump room surface of the glass lens based on an ambient temperature of 40° C. shall not exceed 180° C.

(2) *Lighting of enclosed spaces*. Lighting of the enclosed spaces immediately above or adjacent to cargo tanks either shall comply with the requirements of subparagraph (1) of this paragraph applicable to cargo pump rooms or may be effected or supplemented by means of explosion-proof fixtures located in these spaces.

(3) *Cable*. Through runs of electric cable, regardless of how they may be protected, are prohibited in cargo pump rooms. In any enclosed space through runs of electric cable are permitted.

(4) *Weather decks*. Motors, their control equipment, and other electrical equipment and installations located on or above the weather decks within 15 feet of the cargo tank openings or cargo tank vent terminations shall be explosion-proof.

§ 111.70-90 *Special requirements for tank vessels constructed prior to November 19, 1955*—TB/ALL—(a) *General installation requirements for tank vessels the construction or conversion of which was started on or after November 10, 1936, but prior to November 19, 1955*—

(1) *Application*. The requirements of this paragraph shall apply to all tank vessels the construction or conversion of

<sup>1</sup> American Society for Testing Materials Standard D-323 (most recent revision), Method of Test for Vapor Pressure of Petroleum Products (Reid Method).



which was started on or after November 10, 1936, but prior to November 19, 1955.

(2) *General.* The electrical installation shall be in compliance with this § 111.70-90 (a), and to the extent that such installation is not covered by this paragraph, it shall be at least equivalent to the Commandant's general requirements.

(3) *Existing arrangements.* (1) Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs or minor alterations may be made to the same standard as the original installation.

(ii) Any major change in the electrical installation or any conversion shall comply with the requirements covered by §§ 111.70-1 and 111.70-10.

(4) *Location of cables.* Where practicable, electrical cable is to be located well inboard from the sides, preferably along or near the centerline, to reduce the risk of injury in the event of collision, but it shall be kept clear of cargo tank openings. Except where Grade E liquids only are involved, feeders shall be run as far as practicable to avoid cargo pump rooms and enclosed spaces immediately adjoining cargo tanks.

(5) *Cable armor.* The armor on all cables shall be electrically and mechanically continuous.

(6) *Location of circuit-interrupting devices.* Except where Grade E liquids only are involved, switchboards, distribution panels, switches, fuses, and other current-interrupting devices shall not be fitted in cargo pump rooms or enclosed spaces immediately adjoining cargo tanks.

(7) *Portable equipment.* Portable extension cables and fittings are to be of an approved type.

(8) *Overload protection.* Main distribution circuits shall be protected against overload by circuit breaking devices, the capacity of which shall be marked at each such device.

(9) *Storage batteries.* Storage batteries shall not be located in cargo pump rooms. The space in which they are located shall be well ventilated and they shall be protected against mechanical and electrical injury including short circuiting and overloading. Batteries shall be secured against movement, and acid batteries shall be set in lead-lined trays at least 3 inches deep of at least 4-pound sheet lead.

(10) *Installations made during the Unlimited National Emergency.* Electrical equipment installed during the Unlimited National Emergency as defined in § 110.25-5 of this subchapter and not complying with the requirements of the regulations in this subchapter may be continued in service if found to be satisfactory by the Commandant for the purpose intended.

(b) *Cargo pump rooms and enclosed spaces of tank vessels constructed on or after July 1, 1951, but prior to November 19, 1955—(1) Application.* The requirements of this paragraph shall apply to cargo pump rooms and enclosed spaces immediately above the bulk cargo tanks

of all tank vessels carrying Grade A, B, C, or D liquid cargo the construction or conversion of which vessels was started on or after July 1, 1951, but prior to November 19, 1955. There are no special restrictions in regard to the electrical installations in cargo pump rooms and enclosed spaces of tank vessels carrying only Grade E liquid cargo.

(2) *Equipment.* No electric lighting or power circuit-interrupting or power devices shall be installed in pump rooms or enclosed spaces immediately above the bulk cargo tanks. Through runs of electrical cable are permitted.

(3) *Lighting.* Lighting of pump rooms or the enclosed spaces immediately above the bulk cargo tanks shall be effected by means of approved explosion-proof or magazine type lighting fixtures. When the vessel is not gas free no portable lighting equipment shall be used except explosion-proof, self-contained, battery-fed lamps.

(c) *General cargo spaces of tank vessels constructed on or after July 1, 1951, but prior to November 19, 1955.* Regardless of location, general cargo spaces of tank vessels carrying Grade E liquid cargo only and constructed on or after July 1, 1951, but prior to November 19, 1955, shall have no special restrictions in regard to electrical installations.

(d) *Cargo pump rooms and enclosed spaces of tank vessels constructed on or after November 10, 1936, but prior to July 1, 1951—(1) Application.* The requirements of this paragraph shall apply to cargo pump rooms for Grade A, B, C or D liquid and to enclosed spaces required to segregate Grade A, B, C or D liquid cargo tanks from other spaces, all on tank vessels the construction or conversion of which was started on or after November 10, 1936, and prior to July 1, 1951.

(2) *Wiring.* Wiring is to be leaded and armored and shall be run through approved gastight fittings having stuffing glands at inlets and outlets.

(3) *Boxes.* Joints in wiring shall be made only in wiring appliances, such as junction boxes, outlet boxes, etc., and such boxes shall be completely metallic and shall be gastight.

(4) *Lighting fixtures.* Lighting fixtures shall be of approved type.

(5) *Motors.* Electric motors shall be of approved type either totally enclosed

or ventilated to the atmosphere by suction and discharge air ducts. Separately ventilated motors are to have pressure type ventilation and shall be arranged with an automatic shutoff to open the circuit when the ventilating fan motor stops. The system is to be so interlocked that the pump motor cannot be started prior to a circulation of air. The air ducts are to lead to and from the atmosphere outside the pump room and are to terminate not less than 3 feet above the deck and not less than 6 feet from any cargo tank vent. (See § 32.60-20 of Subchapter D (Tank Vessels) of this chapter.)

(e) *General installation requirements for tank vessels the construction or conversion of which was started prior to November 10, 1936—(1) Application.* The requirements of this paragraph shall apply to all steel hull tank vessels the construction or conversion of which was started prior to November 10, 1936.

(2) *General requirements.* The electrical installation shall be maintained in a safe and in a good mechanical condition, and shall comply with the regulations in effect when the vessel was built, or to the requirements of a recognized classification society. Any major change in the electrical installation or any conversion shall comply with the requirements covered by §§ 111.70-1 and 111.70-10.

(3) *Pump rooms and enclosed spaces.* The electrical installation in pump rooms and enclosed spaces immediately adjoining cargo tanks (except in pump-engine rooms as provided in § 32.70-20 of Subchapter D (Tank Vessels) of this chapter) of steel hull tank vessels handling Grade A, B, C, or D products shall be made to comply with §§ 111.55-1, 111.55-15, 111.60-5, 111.70-10 (b) (1), 111.70-10 (b) (2), 111.70-90 (a) (2), 111.70-90 (a) (9), 111.70-90 (b), and 111.70-90 (d), to the extent that the changes required are, in the opinion of the Officer in Charge, Marine Inspection, necessary in the interest of safety.

## PART 112—EMERGENCY LIGHTING AND POWER SYSTEM

### SUBPART 112.05—GENERAL REQUIREMENTS

Section 112.05-1 is amended by revising Table 112.05-1 (a) to read as follows:

§ 112.05-1 *Source of power.* (a) \* \* \*

TABLE 112.05-1 (a)

Size of vessel and service	Type or types of emergency source of power	Period of operation and minimum capacity of emergency source of power
<i>Passenger vessels</i>		
Ocean and Coastwise, 1,600 g. t. and over, and any passenger vessel, regardless of tonnage or service where electric power-operated watertight doors are required.	Storage battery with automatic transfer gear for temporary source, and supplemented by diesel generator with automatic starting and transfer gear for final source.	½ hour. 36 hours.
Ocean and Coastwise, over 15 g. t. but less than 1,600 g. t.	Storage battery with automatic transfer gear or diesel generator with automatic starting and transfer gear.	36 hours or twice the time of run, whichever is the smaller.
Other than Ocean and Coastwise, over 15 g. t.	Storage battery with automatic transfer gear or diesel generator with automatic starting and transfer gear.	8 hours or twice the time of run, whichever is the smaller.
<i>Cargo vessels and tank ships</i>		
All waters, 1,600 g. t. and over.	Storage battery or diesel generator, automatic or manual operation.	12 hours.
All waters, 300 g. t. and over, but less than 1,600 g. t.	Storage battery, diesel generator, or approved safety lanterns, automatic or manual operation.	12 hours or twice the time of run, whichever is the smaller.



(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4427, 4433, 4453, as amended, sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, as amended, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

### PART 113—COMMUNICATION AND ALARM SYSTEMS AND EQUIPMENT

#### SUBPART 113.25—GENERAL ALARM SYSTEM

Section 113.25-5 (b) is amended to read as follows:

##### § 113.25-5 Operation. \* \* \*

(b) The general alarm system shall be operated by means of a manually operated contact maker located in the wheelhouse. On tank ships the general alarm system shall also be controlled by means of a manually operated contact maker located in an accessible location in the officers' quarters in the amidship deck house, and in the engine room. Each of the contact makers in the latter two locations shall be protected against tampering by means of an enclosure provided with a breakable transparent window.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4427, 4433, 4453, as amended, sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, as amended, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Dated: March 18, 1955.

[SEAL] A. C. RICHMOND,  
Vice Admiral, U. S. Coast Guard,  
Commandant.

[F. R. Doc. 55-2412; Filed, Mar. 24, 1955;  
8:45 a. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53759]

#### PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

##### STORAGE OF WHEAT

To provide for a more effective procedure pertaining to the storage of imported wheat, Part 19 of the Customs Regulations is hereby amended as follows:

Section 19.3 (b) is hereby amended to read:

(b) The use of all or part of a bonded warehouse or bonded floor or space may be temporarily suspended by the collector on written application of the proprietor if there are no bonded goods in the area concerned. Upon the removal of all free goods, if any, the premises may again be used for the storage of bonded goods upon written application of the proprietor. In each case the collector of customs shall indicate his action by endorsement on the application. Rebonding will not be necessary.

No. 59—4

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1664. Interprets or applies secs. 555, 556, 46 Stat. 743; 19 U. S. C. 1555, 1556)

The following centerhead and new sections are added to read as follows:

##### SPACE BONDED FOR THE STORAGE OF WHEAT

###### Sec.

- 19.29 Sealing of bins or other bonded space.
- 19.30 Domestic wheat not to be allowed in bonded space.
- 19.31 Bulk wheat of different classes and grades not to be commingled in storage.
- 19.32 Wheat manipulation; reconditioning.
- 19.33 General order; transportation in bond.
- 19.34 Customs supervision.

AUTHORITY: §§ 19.29 to 19.34 issued under R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 19.29 *Sealing of bins or other bonded space.* The outlets to all bins or other space bonded for the storage of imported wheat shall be sealed by customs officers by affixing customs locks or customs tyden seals to the rope or chain which controls the gear mechanism for opening the outlets, or such other method as will effectively prevent the removal of the wheat from, or access to the wheat in, the bonded space except under customs supervision.

(Secs. 555, 556, 46 Stat. 743; 19 U. S. C. 1555, 1556)

§ 19.30 *Domestic wheat not to be allowed in bonded space.* The presence of domestic wheat in space bonded for the storage of imported wheat shall not be permitted.

(Secs. 555, 556, 46 Stat. 743; 19 U. S. C. 1555, 1556)

§ 19.31 *Bulk wheat of different classes and grades not to be commingled in storage.* All wheat shall be stored by class and grade according to the Official Grain Standards of the United States or the official standards of the Canadian Board of Grain Commissioners, in bins, compartments, or other enclosed spaces identified by clearly distinguishable insignia securely affixed thereto, so as to facilitate the maintenance of identity of the wheat. There shall be no mixing or commingling of different classes or grades of wheat in the same bin, battery of bins, or other bonded space. If the wheat is stored in bags or other transportation containers, such bags or containers shall be so marked and so placed in the warehouse that the identity of the wheat will not be lost while in storage, to permit easy access to all lots, and to facilitate inspecting, sampling, and the identification of each lot.

(Secs. 555, 556, 46 Stat. 743; 19 U. S. C. 1555, 1556)

§ 19.32 *Wheat manipulation; reconditioning.* (a) The mixing, blending, or commingling of imported wheat and domestic wheat, or of imported wheat of different classes and grades, as an incident of transportation or as an incident of exportation under transportation and exportation entries, direct export entries, or withdrawals for exportation shall not be permitted. Applications

for permission to manipulate wheat under the provisions of section 562, Tariff Act of 1930, as amended, shall be approved only after the concurrence of all interested Federal agencies has been furnished by the applicant.

(b) Where it is found that elevating, screening, blowing, fumigating, or drying of the wheat is essential to keep it in condition, the proprietor of the warehouse shall submit an application in writing to the collector. All such operations shall be performed under customs supervision adequate to preclude unauthorized access to the wheat.

(Secs. 555, 556, 562, 46 Stat. 743, 745, as amended; 19 U. S. C. 1555, 1556, 1562)

§ 19.33 *General order; transportation in bond.* The provisions of §§ 19.29 through 19.32 shall be applicable to those parts of any premises in which imported wheat is stored in a general-order status, or stored pending exportation under an entry for exportation or for transportation and exportation.

(Secs. 555, 556, 46 Stat. 743; 19 U. S. C. 1555, 1556)

§ 19.34 *Customs supervision.* Collectors of customs shall exercise such supervision and control over the transactions covered by §§ 19.29 through 19.32 as will insure that there will be no unauthorized access to the imported wheat and no unauthorized mixing, blending, or commingling of such imported wheat. Importers, exporters, proprietors of customs bonded warehouses, bonded common carriers, and others handling imported wheat in continuous customs custody shall maintain such records as will enable customs officers to verify the handling to which the imported wheat has been subjected, and to establish whether there has been a proper accounting to customs for any increase in the quantity of the wheat or shortages resulting from shrinkage or other factors. Collectors of customs shall from time to time request the supervising customs agent for the district concerned to examine such records of importers, exporters, warehouse proprietors, bonded common carriers, and others handling such wheat in continuous customs custody as may be deemed necessary to ascertain whether there has been any failure to comply with the applicable customs laws and regulations.

(Sec. 556, 46 Stat. 743; sec. 22, 67 Stat. 520; 19 U. S. C. 1556, 1646a)

Notice of the proposed amendment of Part 19 was published in the FEDERAL REGISTER on May 14, 1954 (19 F. R. 2784), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Upon consideration of all data, views, and arguments submitted, the amendments set forth above are adopted and shall become effective 30 days after the date of their publication in the FEDERAL REGISTER.

[SEAL]

RALPH KELLY,  
Commissioner of Customs.

Approved: March 18, 1955.

H. CHAPMAN ROSE,  
Acting Secretary of the Treasury.

[F. R. Doc. 55-2455; Filed, Mar. 24, 1955;  
8:49 a. m.]



## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

#### PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

##### ESTABLISHMENT OF TOLERANCES FOR SES (SODIUM 2,4-DICHLOROPHOXYETHYL SULFATE) IN OR ON CERTAIN RAW AGRICULTURAL COMMODITIES

On January 5, 1955, a petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of SES (sodium 2,4-dichlorophenoxyethyl sulfate) on certain raw agricultural commodities. Later, the request for the establishment of tolerances on some of the commodities was withdrawn without prejudice to a future filing.

The Secretary of Agriculture has certified that the pesticide chemical is useful for the purpose for which tolerances are being established.

After due consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2); 68 Stat. 512; 21 U. S. C. 348 (d) (2)) and delegated to the Commissioner of Food and Drugs (20 F. R. 759), the following amendments are promulgated:

1. In § 120.101 *Specific tolerances for pesticide residues in or on fresh fruits and vegetables* paragraph (c) (5) (i) is amended by inserting in the list of chlorinated hydrocarbons, immediately following the name "Methoxychlor", the name "SES (sodium 2,4-dichlorophenoxyethyl sulfate)."

2. Part 120 is amended by adding the following new section:

§ 120.102 *Tolerances for residues of SES (sodium 2,4-dichlorophenoxyethyl sulfate)*. The following tolerances are established for residues of SES (sodium 2,4-dichlorophenoxyethyl sulfate) in or on the raw agricultural commodities indicated:

- (a) 6 parts per million in or on potatoes, peanuts, peanut hulls, peanut hay.
- (b) 2 parts per million in or on asparagus, strawberries.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the effective date of this order file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, shall specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and may request a public hearing upon the objections. Objections may be accompanied

by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 512; 21 U. S. C. 348)

Dated: March 21, 1955.

[SEAL] GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F. R. Doc. 55-2422; Filed, Mar. 24, 1955; 8:46 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, Department of the Army

#### PART 202—ANCHORAGE REGULATIONS

##### EDGARTOWN HARBOR, MASS., AND GROTON, CONN.

1. Pursuant to the provisions of section 1 of an act of Congress approved April 22, 1940 (54 Stat. 150; 33 U. S. C. 180), § 202.38 establishing a special anchorage in Edgartown Harbor, Massachusetts, wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, is hereby prescribed, as follows:

§ 202.38 *Edgartown Harbor, Mass.* An area in the inner harbor easterly of the project channel and south of Chappaquiddick Point bounded as follows: Beginning at latitude 41°23'19", longitude 70°30'32"; thence southeasterly along the shore to latitude 41°22'52", longitude 70°30'12"; thence 287° 30' true, 1,600 feet; thence 327° 30' true, 700 feet; thence 359° true, 800 feet; thence 24° 15' true, approximately 900 feet to the point of beginning.

NOTE: The area is reserved for yachts and other small recreational craft. Fore and aft moorings and temporary floats or buoys for marking anchors in place will be allowed. All moorings shall be so placed that no vessel when anchored shall extend into waters beyond the limits of the area. Fixed mooring piles or stakes are prohibited.

2. Pursuant to the provisions of section 1 of an act of Congress approved April 22, 1940 (54 Stat. 150; 33 U. S. C. 180) § 202.51 is hereby prescribed designating an area in an unnamed cove east of and adjacent to Avery Point at Groton, Connecticut, a special anchorage wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, as follows:

§ 202.51 *Groton, Conn.* The waters within an unnamed cove enclosed by a line between the most easterly land on Avery Point at latitude 41°18'59", longitude 72°03'42", and the most southerly point of land on the west side of Baker Cove at latitude 41°19'03" longitude 72°03'22".

NOTE: The area is reserved for yachts and other small recreational craft. Fore and aft moorings and temporary floats or buoys for marking anchors in place will be allowed.

All moorings shall be so placed that no vessel when anchored shall, at any time, extend into the channel adjacent to the southern limit of the area. Fixed mooring piles or stakes are prohibited.

[Regs., 2 March 1955, 800.212 (Edgartown Inner Harbor, Mass.) (Long Island Sound)—ENGWO] (54 Stat. 150; 33 U. S. C. 180)

[SEAL] JOHN A. KLEIN,  
Major General, U. S. Army,  
The Adjutant General.

[F. R. Doc. 55-2453; Filed, Mar. 24, 1955; 8:49 a. m.]

## PART 207—NAVIGATION REGULATIONS PUGET SOUND, WASH.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.750 (d) is hereby amended to accomplish minor revisions to the regulations where references are made to navigational aids, as follows:

§ 207.750 *Puget Sound Area, Wash.* \* \* \*

(d) *Waterway connecting Port Townsend and Oak Bay; use, administration, and navigation*—(1) *Works to which regulations apply.* The "canal grounds" when used in this paragraph shall mean that area between the south end of the jetties in Oak Bay and the northerly end of the dredge channel approximately 400 yards northwest of Port Townsend Canal Light. The "canal" is the water lying between these limits and the banks containing the same.

(3) *Signals.* All boats desiring to use the canal shall give one long and one short whistle. Southbound boats shall sound the signal within 600 yards of Port Townsend Canal Light.

[Regs., 28 Feb. 1955, 800.211 (Puget Sound Tributary Waters)—ENGWO] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] JOHN A. KLEIN,  
Major General, U. S. Army,  
The Adjutant General.

[F. R. Doc. 55-2454; Filed, Mar. 24, 1955; 8:49 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### Appendix C—Public Land Orders [Public Land Order 1099]

##### ALASKA

EXCLUDING CERTAIN LANDS FROM THE CHUGACH NATIONAL FOREST AND RESTORING THEM FOR PURCHASE AS HOMESITES

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The following-described tract of public land in Alaska, occupied as a home-site and identified by a survey of which



a plat and field notes are on file in the Bureau of Land Management, is hereby excluded from the Chugach National Forest, Alaska, as hereinafter indicated, and restored, subject to valid existing rights and the provisions of existing withdrawals, for purchase as a homesite under section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461):

Beginning at a point on the south side of the Kenai River Highway, approximate latitude 60°30' N., longitude 149°55' W., from which milepost No. 53 bears North 83° W., 9.12 chains, thence N. 85° 30' E., 5.02 chains; S. 4° 30' E., 5.02 chains; S. 85° 30' W., 5.02 chains; N. 4° 30' W., 5.02 chains.

The tract described contains 2.52 acres.

ORME LEWIS,

Assistant Secretary of the Interior.

MARCH 18, 1955.

[F. R. Doc. 55-2423; Filed, Mar. 24, 1955; 8:46 a. m.]

[Public Land Order 1100]

#### NEW MEXICO

#### WITHDRAWING LANDS FOR USE OF THE DEPARTMENT OF THE AIR FORCE AS AN INSTRUMENTATION SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described lands in New Mexico, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use of the Department of the Air Force as an instrumentation site:

A tract of land situate in the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 31, Township 23 South, Range 1 West of the New Mexico Principal Meridian, Dona Ana County, New Mexico, being more particularly described as follows:

Commencing at the southeast corner of Section 31, Township 23 South, Range 1 West, N. M. P. M., which is also the section corner common to Sections 31 and 32, Township 23 South, Range 1 West, N. M. P. M., and Sections 5 and 6, Township 24 South, Range 1 West, N. M. P. M., thence N. 35° 41' 52" W., a distance of 658.73 feet to the point of beginning and southeast corner of this survey; thence N. 89° 57' 02" W., a distance of 1,500 feet to the southwest corner of this survey; thence N. 0° 02' 58" E., a distance of 1,000 feet to the northwest corner of this survey; thence S. 89° 57' 02" E., a distance of 645 feet to a point on the north line of this survey marking the southwest corner of an access road; thence continuing S. 89° 57' 02" E., a distance of 50 feet to a point marking the southeast corner of an access road; thence continuing S. 89° 57' 02" E., along the north line of this survey, a distance of 805 feet to the northeast corner of this survey; thence S. 0° 02' 58" W., a distance of 1,000 feet to the southeast corner and point of beginning.

The tract described contains 34.44 acres of lands which were acquired by the United States through the Resettlement Administration and which were transferred, with other lands, from the Department of Agriculture to the De-

partment of the Interior for conservation purposes in connection with administration of the Taylor Grazing Act, by Executive Order No. 7743 of November 19, 1937.

This order shall take precedence over but not otherwise affect the Departmental order of July 11, 1935, establishing New Mexico Grazing District No. 3 so far as such order affects the above-described land.

ORME LEWIS,

Assistant Secretary of the Interior.

MARCH 18, 1955.

[F. R. Doc. 55-2424; Filed, Mar. 24, 1955; 8:46 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 10832; FCC 55-340]

[Rules Amdts. 2-36, 3-38]

#### PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

#### PART 3—RADIO BROADCAST SERVICES

#### MISCELLANEOUS AMENDMENTS

In the matter of amendment of Parts 2 and 3 of the Commission's rules and regulations and the Standards of Good Engineering Practice concerning FM Broadcast Stations to permit FM Broadcast Stations to engage in specified non-broadcast activities on a simplex and/or multiplex basis; Docket No. 10832; Rules Amdts. 2-36, 3-38.

1. On December 31, 1953, the Commission issued its notice of proposed rule making in the subject proceeding. In that notice, the Commission set forth its view that the functional music operations<sup>1</sup> are not broadcasting within the meaning of section 3 (o) of the act but should be authorized as "an adjunct to the FM broadcast operation" so that the latter may draw financial sustenance from them. To that end, the Commission proposed to relax the required minimum hours of operation of FM broadcast stations from 42 hours to 36 hours a week during the hours of 6:00 a. m. to midnight; to remove requirements as to the segment of the broadcast day in which the minimum hours apply; and to permit FM licensees to obtain Subsidiary Communications Authorizations (SCA) to engage in certain types of activities, typified by the functional music operations, on a simplex basis during the time not devoted to the required minimum of 36 hours of FM broadcasting or on a multiplex basis at any time. Comments of interested parties with respect to the proposals were invited. We turn now to consideration of the comments received.

2. Since the touchstone of the rule changes proposed by the Commission is the determination that the functional music operations are predominantly non-broadcast in nature (par. 9 of the notice), we believe it desirable to take up

this aspect first. Although the Commission explicitly invited comments directed to the views expressed in paragraph 9 of the notice, only six of the thirty-three parties commenting addressed themselves to this issue.<sup>2</sup> One party—WGHP, Inc.—stated that "the Commission's determination that the various functional music activities are not of themselves broadcast activities within the meaning of the Act [is] eminently reasonable." The other five—King Broadcasting Company (KING-FM), Santa Clara Broadcasting Company (KSJG-FM), Richard G. Evans, William Penn Broadcasting Company (WPEN-FM), and Capitol Broadcasting Company (WWDC-FM)—contend that the functional music operation does constitute broadcasting within the Act. In support thereof, it is argued by these parties that the functional music programs are intended and are in fact received and enjoyed by substantial segments of the general public; that since this is so, the Commission should not attach undue weight to the use of the supersonic tone; that there is no need for a balanced program format in a community having many broadcast services, and as with the "good music" format, the functional music one is designed to reach a specialized audience; that the transit audience is "virtually the same" as the home audience; and that the fact that specialized audiences are being reached by the transistancing and storecasting operations is irrelevant since "where people happen to be listening" has nothing to do with whether "broadcasting" is taking place.

3. We have considered these arguments, but adhere to the conclusion set out in paragraph 9 of the notice. We there recognized that the functional music operator has no objection to and indeed, probably desires the reception of his transmissions by the general public in addition to the special places primarily involved. But as demonstrated by the format adopted and apparently the station's source of revenues, the service directed to the special points or subscribers would clearly appear to be the key to the over-all operation. A background music or storecast operation employing telephone wires is concededly providing an industrial point-to-point service; we cannot conclude that the essential nature of such an operation is changed because of the use of radio transmissions. It is our view that the operation—in so far as the programming is directed to the special interests of the industrial, mercantile, transportation, or other subscribers and is not primarily intended for reception by the general public—must be characterized as predominantly non-broadcast in nature. The fact that a large portion of these transmissions—including most of the program material—may be received by the general

<sup>2</sup> Because of the nature of their comments, for example, the requests of several parties to lift the ban against functional music operation during the 36-hour period required to be devoted to FM broadcasting, a majority of the other parties would appear to acquiesce in the Commission's determination of the essentially non-broadcast character of the functional music services.

<sup>1</sup> The nature of these operations is described in paragraphs 2-5 of the notice.



public on home receivers as an incidental by-product of the primary intent of the transmissions does not change this rationale. The argument that these are specialized services similar to a "good music" service does not withstand scrutiny. For to sustain this, a showing would have to be made in each case that the functional music station was meeting some specific local demand in a community having several broadcast services.

We have noted, however, that prior to the advent of the services in question, no FM licensee employed the functional music format; it was only upon the decision to engage in functional music operations that this singular programming was adopted. Further, in the same area, more than one FM station can frequently be found engaging in these services. Thus, in an initial survey of these operations, it was learned that in one metropolitan area, four FM stations were engaged in functional music operations, inundating that area with essentially the same service. In summary, the main effort of these services is directed not to the general public but to listeners at particular points or places. It is because of their predominantly non-broadcast nature that these operations run afoul of so many basic broadcast provisions and policies (e. g., 310 (b), 317, 318, maintenance of positive control over programming, §§ 3.287 to 3.289 of the rules, etc.).

4. We turn now to the Commission's proposals, summarized briefly in paragraph 1 of this report and more fully detailed in the notice. More than half the comments received support the substance and purpose of the proposals: These comments are generally along the line that the proposals represent "a sound and major step toward the solution of many of the problems now facing [FM]." In substance, these comments, supported by the operating experience of the stations, asserted that permitting the FM licensee to engage in these specialized non-broadcast services is necessary because of FM's financial status, and will promote FM broadcasting. Accordingly, we have determined that the basic idea behind the outstanding proposal is sound and should be adopted.

5. In reaching this conclusion, we reject the contention made by the National Committee for Utilities Radio, Central Committee on Radio Facilities of the American Petroleum Institute, the United States Independent Telephone Association, and Storer Broadcasting Company. These parties contend that the proposals in effect constitute a reallocation of the FM band to non-broadcast services; that in allocating frequencies among services, the Commission has consistently evaluated the necessity for utilizing radio to provide the new service, and the needs of other services for the spectrum space involved; and that these allocation procedures should be followed here. These objections, however, fail to take cognizance of our basic purposes of the subject proposals which were set forth in the Notice. In paragraph 11 of the Notice we stated: "It should be emphasized, however, that our aim in this

proceeding is not the conversion of the FM broadcast band to some new specialized non-broadcast service or services: On the contrary, authorization of such new ventures must be only as an adjunct to the FM broadcast operation, a subsidiary service so that the main undertaking—the broadcast service to the public—can draw financial sustenance from it." The rules applicable to the SCA, set out below and described herein, and the provision that the SCA operation must be conducted on a multiplex basis at the end of a one-year period, all demonstrate the subsidiary or secondary nature of the specialized non-broadcast activity.<sup>3</sup>

6. While the comments generally support the proposals, revisions or objections to particular features were put forth. We turn now to these objections or revisions.

7. Four parties—The American Civil Liberties Union (ACLU), the Congress of Industrial Organizations (CIO), the Transit Riders Association, and Messrs. Pollak and Martin—urge that transiting not be authorized by the Commission. These parties contend that transiting is undesirable as a matter of public policy because the resultant "forced listening" is abhorrent to our democratic way of life. Two parties—the CIO and Messrs. Pollak and Martin—argue that transiting raises constitutional questions of the right of free speech under the First Amendment and the right to liberty under the Fifth Amendment; the ACLU, on the other hand, concedes that it is "foreclosed from arguing that forced listening is a violation of the U. S. Constitution" in view of the Supreme Court's decision in *Pollak v. P. U. C.*, 343 U. S. 451, but contends, with respect to the standard of the public interest, that "transiting violates the spirit of the Constitution, decreases diversification of communication and provides no public service program." The Transit Riders Association makes the further arguments that transiting is injurious to the health of the Association's members "in that it will result in nervous disturbances and mental anguish"; that it distracts the motorman and thus increases the hazards of travel; and that transiting is a business activity completely unrelated to the carriage of passengers for hire.

8. The last noted arguments of the Transit Riders Association need not be considered: They should be addressed

<sup>3</sup> Storer's comments also expressed the fear that these proposals "could be the opening wedge for conversion of all broadcast bands to non-broadcast uses", such as subscription radio or TV. The rules here finalized do not contemplate subscription broadcast operations to the extent that such operations involve the transmission of entirely scrambled or coded programs which can only become intelligible through utilization of special unscrambling or decoding devices at the receiver. The nature and advisability of such operations—as contrasted with operations in which a minor portion of the program is specially "beeped" in or out—is expressly reserved for further consideration in connection with the pending proceeding to authorize such subscription program services.

to the local regulatory body having jurisdiction over the Transit Company and not this Commission.<sup>4</sup> And we agree with the ACLU that the Supreme Court's decision in the *Pollak* case forecloses the issue of infringement of constitutional rights.<sup>5</sup> The contentions based on programming are misplaced since the essence of the subject proposals is that the services are non-broadcast and, therefore, need not meet broadcast criteria. We are thus left with the policy question concerning "forced listening."

9. The forced listening here involved stems from the necessity of the public to patronize monopolistic transportation facilities. In every situation, therefore, there is either a regulatory body established to supervise the activities of the transportation company or the latter is municipally owned and regulated directly by the community legislative council. We believe such regulatory agencies are in closer contact with the situation and, therefore, can better decide the policy questions involved. Thus, it is conceivable in a small community to have a survey or referendum vote which reveals overwhelming or total support of a transiting operation: In such a situation, it is difficult to see how a broad rule of this Commission prescribing such an operation could be justified. Accordingly, we conclude that this aspect of the transiting operation may be adequately safeguarded by the regulatory agency which is more closely attuned to the local situation than this Commission.

10. We shall now take up the comments directed to the requirement of 36 hours of FM broadcasting per week. First, a few parties are apparently laboring under the mistaken belief that the proposal would permit the FM licensee to engage in functional music operations only on a multiplex basis. To allay such confusion, we repeat that, during the first year, FM broadcast stations would be permitted to engage in the specialized non-broadcast activities on a simplex basis during all times not devoted to the 36 hours required for FM broadcasting, and on a multiplex basis at all times without restriction.

11. Five parties—Atlantic Broadcasting Company, Inc., Field Enterprises, Inc., Capitol Broadcasting Company, Santa Clara Broadcasting Company, and King Broadcasting Company—urge the Commission to reconsider its 36-hour requirement and to permit full-time functional music operations on a simplex basis. The argument put forth by several of these parties is that to be

<sup>4</sup> We note that in this case they have been presented to such an agency and have been rejected. 81 P. U. R. (N. S.) District of Columbia, 122.

<sup>5</sup> Messrs. Pollak and Martin express concern that the transiting operation will not result in "fair presentation" of controversial issues. But we see no reason why the policies laid down in the editorializing opinion (Part 3, 1 Pike and Fischer, p. 201) and in decisions under Section 315 cannot be carried out equally well by the transit operator; the discussion of the rules in par. 28, *infra*, and the rules set out in the Appendix, make clear the responsibility of the holder of the SCA in this respect.



successful, a background music service must commence operation approximately at 8:00 a. m. each day and terminate at approximately 3:00 a. m. the following day; that an FM licensee could not devote the 36 hours a week required by the proposed rule for FM broadcasting and at the same time provide on a simplex basis specialized services for the number of hours required for an economically sound operation; that it is, therefore, essential that the FM licensee be able to turn to multiplexing and have available at reasonable costs multiplex receiving and transmitting equipment; and that there is presently insufficient data to indicate whether such equipment will be available. Because of this lack of knowledge concerning multiplex equipment, it is urged that the Commission permit full-time functional music operations on a simplex basis until such time as full data has been obtained with respect to the technical and economic feasibility of multiplexing—or at least for a period of one year, with review by the Commission at the end of the year.

12. On the other extreme stand four other parties—The Good Music Station, Inc., James Broadcasting Company, Inc., Music Craftsmen of Los Angeles, and Robert P. Adams, licensee of Station KUTE. These parties point out that the principal objective of the proposal is furtherance of the FM broadcast service, and that they are, therefore, opposed to that part of the proposal which will reduce the minimum broadcast period to 36 hours per week. In the language of the comment submitted by KUTE, a background music station in Los Angeles: "This will tend to relegate FM broadcast Service in general to a subordinate position in the broadcast field." KUTE notes that a station could broadcast 36 hours between 6:00 a. m. and midnight on Saturday and Sunday, utilizing the five week days for the non-broadcast specialized services; and that since some professional offices, manufacturing plants and wholesale houses use background music only five days a week, this is not an impossible situation. Further, it points out that the "station might broadcast only from 6:00 a. m. to 12:00 noon and still meet the minimum broadcast hours while engaging in functional music broadcast service for the rest of the time." The same objection to allowing the licensee such freedom in the spacing of the required hours is made by The Good Music Station.

13. In between these extremes are Great South Bay Broadcasting Company, Inc., McClatchy Broadcasting Company, Pittsburgh Radio Supply House, Inc., and WGHP, Inc. All these parties express blanket approval of the Commission's proposals. Thus, Great South Bay Broadcasting Company, Inc., states that "reduction of the number of hours required for minimum operation each week will be of great economic advantage to FM stations and will permit flexibility of operation." The comments of WGHP are even more explicit: "The requirement of a 36-hour per week minimum period of broadcast operation appears to be a reasonable method of balancing [competing] equities, since it

allows a licensee ample periods of time within which to strengthen his station financially through functional music activities. At the same time, it is a sufficiently substantial period as to be a constant reminder to the licensee that his station was authorized primarily for the public interest."

14. The argument that the Commission's proposal rests upon the technical and economic feasibility of multiplexing misconceives the situation and the Commission's goal. There are here two competing or conflicting interests. On the one hand, we have determined that the functional music operations are of a non-broadcast nature; on the other, that limited authorization of such operations will be of aid to the FM broadcaster. But it is fundamental that such authorization be limited along the lines of the proposal since no conversion or reallocation of the FM band is contemplated. Here we stress that if the multiplex technique were not fully developed and had to be totally discounted at this time,\* we should still issue the subject proposal with its hours limitation. For the only alternative to such a proposal, in view of our determination that the operations are non-broadcast in nature and that no reallocation of the FM band should be effected, would be the cessation of such operation. It is for this reason that we believe the effectiveness of the proposal should not be postponed until positive assurance can be obtained on the availability of multiplex equipment.

15. We believe the 36 hour figure coupled with some requirements as to the spacing of these hours, represents the minimal restriction possible from the standpoint of the basic objectives involved, and that under it, the FM licensee, without the great diminution of revenues, will be enabled to engage in the background music operation. We have decided to provide that the 36 hours of minimum FM broadcasting must be broken up over the week, with at least 5 hours daily. We recognize that in view of the number of hours required and the freedom of spacing accorded with respect to such hours, there is a danger that FM broadcasting may be too severely contained—that the licensee, having secured profitable non-broadcast arrangements outside of the 36-hour period, may restrict its business commitment to this minimum. It is our view, however, that such minimal restrictions are in order at the present time because of FM's financial condition, and we have determined upon a revision which will give assurance against the noted undesirable situation coming to pass. In line with the findings of the succeeding paragraphs on the feasibility of multiplexing, we have decided to limit the permission to engage in these specialized non-broadcast activities on a simplex basis to a period of one year from the effective date of this report and order; following

\*In this connection, we point out that while we believe the contrary to be more likely (see par. 20), we recognize that there is a possibility of some short delay with respect to the availability of multiplex equipment.

this period, all such operations must be conducted on a multiplex basis. We believe that the one-year period will permit the immediate undertaking of functional music or other specialized operations on a simplex basis; will allow licensees who have invested in special equipment to get back some return on their investment; and will insure an adequate period for the development and manufacture at reasonable prices of multiplex equipment.

16. We come now to the multiplex aspects of the proposal. The comments of Multiplex Development Corporation and Crosby Laboratories, Inc., are particularly pertinent here since they include reports on laboratory and field tests of multiplex operation. These tests, conducted over a six-year period, include measurement of transmitter performance under normal simplex operation and under multiplex operation, and provide comprehensive data on transmission characteristics of the main channel and the sub-channels. The signals were observed on a variety of FM receivers of the type ordinarily used in home reception; Multiplex Development Corporation states that in all cases, no trace of the multiplex signals could be detected under any tuning conditions of the receivers. Indeed, the Corporation asserts that in all its tests commencing in 1948 on multiplex facsimile transmissions, no interference with the main channel has ever been observed, and that this has been true even when two or three sub-channels are multiplexed. Thus, tests of a three-channel multiplex system in the summer of 1953 at FM Station WTOP-FM, Washington, D. C., demonstrated that multiplex signals from multiple-channel teletype, facsimile, and voice communications circuits impressed, respectively, on three sub-channels could be superimposed on the main carrier of WTOP-FM without interfering with main-channel broadcast transmissions, and could be received successfully at a number of receiving stations within sixty miles of Washington. The public broadcast transmissions of the station retained their normal high fidelity transmission capabilities within the audio program range to 15,000 cycles, in accordance with the existing engineering standards of the Commission relating to FM broadcast stations. Laboratory measurements show that with 90 percent modulation on the main channel and 10 percent on the sub-channel, a signal to noise ratio of 50 db may be realized in the sub-channel of two-channel systems within the 1 mv/m contour and 26 db within the 50 uv/m contour, while the main channel signal programs continued to meet all Commission requirements. In all tests, the sub-carriers were between 20 and 75 kc and frequency modulated.

17. Station WGHP conducted field tests using a frequency modulated sub-carrier of 45 kc, modulating the main channel at various values between 20 and 40 percent. The sub-channel frequency swing was up to  $\pm 15$  kc. No deterioration of the main channel performance and no cross modulation was observed by measurement.



18. We have studied the reports of these parties. It is our conclusion, based on these reports and our knowledge of the multiplex facsimile operation, that multiplex operation by FM broadcast stations is feasible. Feasibility depends on satisfaction of two criteria: that the sub-channel operation not interfere with the main channel signal, and that the sub-channel signal be of usable quality. The tests which have been made give assurance that no degradation of the main channel system need result and that the sub-channel operation can be successfully carried on. In this connection, it is important to note that multiplex operation will be authorized with appropriate conditions to insure the maintenance of the present quality of the main channel signal (see paragraph 30, *infra*).

19. The question remains as to the availability of multiplex transmitting and receiving equipment. The Multiplex Development Corporation has assured the Commission that its research and development program "has been directed to encourage wide commercial use of low level multiplex techniques within the broadcast and radio communications industry"; and that it is its intention "to make the results of its developmental program available on reasonable and equal terms to all licensees of the Commission and other responsible organizations." Its comments indicate the "availability of multiplex broadcast transmitting and receiving equipment at reasonable prices within a short period after approval of use of multiplex methods by the Commission."

Crosby Laboratories, Inc., has also submitted prints which indicate the particular pieces of equipment which "it is prepared to supply to users of FM multiplexing." The equipment thus available includes essential transmitting and receiving mechanisms needed to engage in multiplexing.

Field Enterprises, Inc., has also undertaken studies to determine the technical and economic feasibility of multiplex operation. It asserts that these initial investigations "indicate substantial promise that, eventually, [multiplex] operation \* \* \* will prove to be feasible", but that "it appears that equipment capable of operating on a multiplex basis will not be available generally for another year." It is not clear, however, upon what factors or considerations the latter conclusion is based.

20. The Commission believes that multiplex transmitting and receiving equipment will be available to the broadcaster and public within a relatively brief period after authorization of the multiplex operation. As noted, the functional music operation can be carried on a simplex basis above the 36-hour broadcast requirement for the one-year period following the effective date of the rules. We believe, in view of the comments filed in this proceeding with respect to the present state of the art, that the one-year change-over date assures adequate time for the development and quantity manufacture of such equipment.

21. The Commission's proposal would confine the subsidiary or secondary

authorization to limited types of non-broadcast services. The Notice described these services as involving specialized programming consisting of news, music, time, weather, etc., and cited as an example of such a service the functional music operation. Four parties—Cerritos Broadcasting Company, Nicholas M. Brazy (KFMU), Music Craftsmen of Los Angeles, and Joseph Brenner—have requested that the Commission remove this restriction on the uses of the SCA. They argue that in most communities two, or at most three, functional music operations will be all that will be economically feasible and that, therefore, it would be more desirable to impose no restriction upon the type of secondary service which an FM station can render in any given community; instead, the rules should provide that the Commission will determine, on a case-to-case basis, and as demand is made and need shown, the particular subsidiary communications service that should be authorized. As an example, the need for additional two-way mobile communication services or taxi dispatching services is pointed to.

22. We have considered these arguments but believe the limitation of the Notice should be adhered to at this time. The revisions here adopted are novel ones: We feel it best to proceed slowly. As presently set up, the SCA is limited to transmissions similar to those conducted under present functional music operations. We believe it desirable at the inception of this service that the character of the specialized operation not run completely counter to that of a broadcast operation. In reaching this result we want to make it clear that should the need be shown, we may permit wider use of the SCA at some later date—perhaps on a multiplex basis or only after the passage of the one-year period. For the present, however, we adhere to the limitation set out in the Notice.

23. We do not in this discussion or in the attached rules attempt to spell out every operation which comes within that limitation: To do so would be impossible. Fringe or close cases will accordingly be decided as they arise. A broadcast licensee must, in its application for an SCA, set out in full the purpose or purposes for which it will be employed. If granted, the licensee will be limited to those purposes or uses and must apply for and obtain a modification if additional uses are desired.

24. Several parties—KUTE, Cerritos Broadcasting Company, and Joseph Brenner—have expressed concern about the statement in the Notice that "The FM broadcast licensee would be required to provide the material transmitted under this special authorization and could not delegate or 'lease' the authorization conferred by the SCA." It is feared that this would prevent the station from entering into contractual commitments whereby the sales, installation and operational services required would be rendered by outside functional music operators instead of the station. It is pointed out that many stations cannot meet the substantial outlays for the purchase, installation and maintenance of the

special equipment needed in the functional music operation.

25. The statement in question was not meant in any way to proscribe agreements between licensees and functional music operators whereby the latter install and maintain the equipment, engage in sales promotion, and even supply a record library of suitable music. What is intended is that the licensee maintain continuous control over all the material transmitted. We have inserted language in the attached rules to make clear this responsibility: All contracts involving these specialized services must have a provision that the licensee is to have complete control over and pass on all material to be transmitted, and can, on a simplex transmission, substitute a broadcast program at any time when it deems it in the public interest to do so.<sup>1</sup>

26. WGHF, Inc., urges the Commission to make clear that section 605<sup>2</sup> of the act applies to signals issued pursuant to an SCA. It points out that many industrial and business concerns presently make use of the functional music signal without authorization, and that if FM stations are to derive substantial financial support from these services, this practice must stop. It asserts that the methods presently available for dealing with this problem (private actions for injunction or damages on the basis of violation of copyrights) do not appear to be satisfactory. It argues that since the Commission has determined the functional music operation to be non-broadcast, they come within the protection of section 605, and that a Commission declaration to this effect would be a considerable aid inasmuch as what is "needed here is not a remedy but a deterrent."

27. Although we have considered the application of section 605 in this matter, we wish to note that the question of the applicability of this section will, in all

<sup>1</sup> The latter provision is suggested by the comments of WGHF, Inc. That party also suggests that the Commission prohibit a licensee from entering into any exclusive agency functional music agreement. It argues that there is a disparity in the bargaining position of the FM broadcaster and the functional music company and that this proscription of exclusive agency agreements is needed in order to insure that the functional music licensee will derive sufficient revenue from his operation and will be in control of its economic destiny.

The matter would appear to us to be one best left to the negotiation of the parties. It could be argued with equal force that the Commission should prescribe minimum rates per subscriber because of the alleged disparity in the parties' bargaining positions. Such interference with normal station operation through the erection of artificial, governmentally imposed standards is clearly inappropriate.

<sup>2</sup> The pertinent portion of section 605 reads as follows: " \* \* \* no person not being entitled thereto shall receive or assist in receiving any interstate or foreign communication by wire or radio and use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto \* \* \* Provided, That this section shall not apply to the receiving, divulging, publishing, or utilizing the contents of any radio communication broadcast, or transmitted by amateurs or others for the use of the general public, or relating to ships in distress."



probability, be determined by court actions. However, it is our opinion that section 605 would be contravened by the unauthorized reception of the FM signal only when such signal is being transmitted only for reception by the special interests of the industrial, mercantile, transportation or other subscribers without any intention of reception by the general public. This would be the case with all transmissions on a multiplex basis. However, as we have pointed out in paragraph 3, *supra*, the functional music operation when conducted, as it now is, on a simplex basis, transmits a signal capable of being received by the ordinary FM receiver. The circumstances of such operation are such that it must be held that these simplex transmissions are intended to be received at least incidentally by the general public. It cannot be considered, therefore, that the reception of such simplex transmissions would constitute an unauthorized reception within the meaning of section 605, and we do not believe that the reception of such transmissions is violative of this provision. The supersonic tone frequently employed in the functional music operation to "mute" the subscriber's specially equipped receivers is not intended in any way for reception by the general public; its unauthorized use would therefore contravene section 605.

28. We have decided to adopt rules along lines indicated by the foregoing discussion: These rules are set out below. In summary, we wish to emphasize the subsidiary or secondary nature of the SCA. The FM broadcast license or permit is completely independent of the SCA.<sup>9</sup> Its initial grant or renewal cannot be promoted by the SCA operation: The licensee must establish that its broadcast operation is in the public interest, wholly apart from the SCA. On the other hand, the SCA cannot exist apart from the FM broadcast license or permit. No transfer or assignment can be made separate from the license; nor can the license be transferred with the former licensee retaining the SCA. The SCA's renewal period will be geared to that of the FM broadcast license: The failure to renew the latter automatically terminates the SCA.

29. The attached rules spell out the many conclusions reached in the prior discussion. As stated, the application for the SCA must set out in full the purpose or purposes for which it is to be employed; if the application is found to be within the limited category noted in paragraph 21 and granted, the holder will be restricted to the requested uses, a modification being necessary for any additional use. The necessary control over the material transmitted and the right of substitution of broadcast programs on a simplex basis—described in paragraph 25—must be contracted for. The Commission's policies on fairness with respect to controversial issues and on section 315 situations (political broadcasts) must be observed by the SCA operator; however, the latter when

operating on a multiplex basis, need not meet the requirements of § 3.288 (announcement of mechanical records), and § 3.289 (sponsorship). On a simplex basis, the announcements must be made<sup>10</sup> but can, of course, be "beeped" out by use of the supersonic signal.

30. On the multiplex aspect of the rules, we first repeat our basic findings derived from the engineering data submitted in those proceedings: That multiplex programming is possible without degrading the existing performance requirements for main channel transmission, and that while sub-channel performance varies with the operating parameters, it is useful for subsidiary purposes. In deciding upon appropriate modifications of the rules concerning technical operation to provide for multiplexing, we have considered the engineering data and/or recommendations of Multiplex Development Corporation, Station WGHF, Inc., Crosby Laboratories, and Mercantile Broadcasting Company. We have concluded that the present operating and performance requirements for the main channel should not be changed except to permit a reduction of approximately 3 db in the program level.

31. It is also concluded that operating parameters for sub-channels should not be rigidly specified. The limitations we have decided upon are as follows:

- (a) Frequency modulation of subcarrier shall be used.
- (b) The instantaneous frequency of the subcarriers shall at all times lie within the range 20 to 75 kilocycles.
- (c) The arithmetic sum of the modulation of the main carrier by the subcarriers shall not exceed 30 percent.
- (d) The total modulation of the main carrier, including the subcarriers, shall meet the requirements of § 3.268.
- (e) Frequency modulation of the main carrier caused by the subcarrier operation shall, in the frequency range 50 to 15,000 cycles, be at least 60 db below 100 percent modulation.

32. As stated in our notice, on April 8, 1950, Raymond M. Wilmotte filed a petition seeking Commission authorization "to permit FM broadcast stations to use any means available to transmit an additional service without affecting the listeners of the present broadcast service." Mr. Wilmotte filed no comment in the subject proceeding. His petition contains insufficient technical data and information to make a determination as to whether the parameters adopted herein are broad enough to include the multiplex systems contemplated by him. In the event they do not, Mr. Wilmotte and others may at some future date petition for amendment of the standards here adopted to incorporate any new methods of multiplexing. And the Commission will, of course, entertain any requests for experimental authorizations along these lines for the development and testing of such systems.

33. Authority for the adoption of the attached rules is contained in sections

301 and 303 (b), (g), and (r) of the Communications Act of 1934, as amended.

34. It is ordered, This 16th day of March 1955, that, effective May 2, 1955, the Commission's rules are amended to read as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Released: March 22, 1955.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>11</sup>

[SEAL] MARY JANE MORRIS,  
Secretary.

I. The definition of "FM broadcasting station" contained in § 2.1 is amended to read as follows:

*FM broadcasting station (BCF).* A broadcasting station utilizing telephony by means of frequency modulation, and when authorized under a Subsidiary Communications Authorization (SCA), utilizing F9 emissions.

II. Section 3.261 is amended to read as follows:

§ 3.261 *Time of operation.* All FM broadcast stations will be licensed for unlimited time operation. A minimum of 36 hours per week during the hours of 6:00 a. m. to midnight, consisting of not less than 5 hours in any one day, must be devoted to the FM broadcast operation; time devoted to operations conducted pursuant to a Subsidiary Communications Authorization (see §§ 3.293-3.296) shall not be included in meeting this 36-hour broadcast requirement. In an emergency when, due to causes beyond the control of a licensee, it becomes impossible to continue operation, the station may cease operation for a period not to exceed 10 days, provided that the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified in writing immediately after the emergency develops.

III. Add a new § 3.293 as follows:

§ 3.293 *Subsidiary communications authorization.* An FM broadcast licensee or permittee may apply for a Subsidiary Communications Authorization (SCA) to engage in a limited type of non-broadcast service. These services are restricted to those involving programming consisting of news, music, time, weather, and other similar programming categories. (The functional music services whereby FM stations undertake to supply programs of a predominantly musical nature to commercial establishments is an example of such an SCA service.) An appropriate application form to be designated by the Commission shall be submitted; the applicant for the SCA shall there specify the particular nature or purposes of the SCA operation or operations sought, and whether it will be conducted on a simplex or multiplex basis, or both. If on a multiplex basis, it may be carried on without restriction as to time; if on a simplex basis, the SCA operation shall be conducted during

<sup>9</sup> Violation of rules applicable to the SCA would, of course, reflect on the licensee's qualifications to hold its broadcast license or permit.

<sup>10</sup> The functional music operator may meet the requirements of § 3.289 by announcing that the programming is being transmitted for a fee to commercial subscribers.

<sup>11</sup> Dissenting statements of Commissioners Webster and Doerfer filed as part of the original document.



those times not devoted to the 36 hours required under § 3.261 for FM broadcast operation. (Subsidiary Communications Authorizations on a simplex basis will be issued only during the one-year period following the effective date of this section.)

#### IV. Add a new § 3.294 as follows:

§ 3.294 *Nature of the SCA.* (a) The SCA is of a subsidiary or secondary nature and shall not exist apart from the FM license or permit. No transfer or assignment of it shall be made separate from the FM broadcast license, and failure to transfer the SCA (through application on a separate form to be designated by the Commission) with the FM license or permit renders the SCA void. The licensee or permittee must seek renewal of the SCA (on a form to be designated by the Commission) at the same time it applies for its renewal of FM license or permit; failure to renew the latter automatically terminates the SCA.

(b) The grant or renewal of an FM license or permit shall not be furthered or promoted by the proposed or past operation under an SCA; the licensee must establish that his broadcast operation is in the public interest wholly apart from the SCA activities. (Violation of rules applicable to the SCA operation would, of course, reflect on the licensee's qualifications to hold its broadcast license or permit.)

#### V. Add a new § 3.295 as follows:

§ 3.295 *Operation under the SCA.*

(a) The SCA holder must restrict its operation to the uses or purposes granted by the Commission in acting upon his application; prior permission to engage in any additional or new activity must be obtained from the Commission.

(b) Supersonic tones or other similar devices may be employed with respect to material transmitted during the SCA operation in order to promote or maintain its commercial marketability, with the station using appropriate actuating devices with the subscribers' receivers.

(c) In all arrangements entered into under the SCA with outside parties, the licensee or permittee must pass on all material to be transmitted over the station's facilities, with the right to reject any material which it deems inappropriate or undesirable; when the SCA operation is conducted on a simplex basis, the licensee must be able, through appropriate contractual arrangement, to substitute a broadcast program at any time it deems it in the public interest to do so.

(d) The requirements of §§ 3.290 and 3.291 are equally applicable when the FM licensee or permittee is engaged in operations pursuant to the SCA.

(e) The requirements of § 3.287 with respect to station identification announcements must be met by identification on the main carrier when a station is engaged in SCA operations. The licensee may prevent their reception on subscribers' receivers through the use of supersonic tones capable of deactivating these specialized receivers.

(f) The requirements of §§ 3.288 and 3.289 are applicable to the SCA operation

when the latter is conducted on a simplex basis; provided that the station may employ supersonic tones or other devices to prevent the reception of such announcements over subscribers' receivers. The requirement of § 3.289 shall be deemed to have been met by the SCA operator by the latter's announcement that the program is being transmitted for a fee to commercial subscribers.

(g) The FM licensee or permittee shall maintain logs for the SCA operations. In the program log, the following entries shall be made:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry describing the material transmitted in each hour segment. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

(3) An entry showing that sponsorship and mechanical record announcements, when required under paragraph (f) of this section, have been made, and the time of the latter announcements.

(h) The requirements of § 3.281 (b), (1)-(4), inclusive and (c), and §§ 3.282 to 3.286, inclusive, are equally applicable to logs to be maintained during the SCA operation.

(i) The requirements of § 3.265 with respect to operators and the provisions of § 3.274 relating to remote control operation are equally applicable to operation during the SCA period.

(j) The licensee must observe all technical rules and standards applicable to FM broadcast stations when conducting the SCA operation. (For criteria applicable to the multiplex SCA operation, see section 8 I of the appendix to this subpart—Standards of Good Engineering Practice Concerning FM Broadcast Stations.)

#### VI. Add a new § 3.296 as follows:

§ 3.296 *Applicability to existing specialized operations.* FM broadcast licensees or permittees who are presently engaged in services falling within the purview of §§ 3.293 to 3.295 must apply for an SCA within 60 days from the effective date of this section.

VII. Add to section 8 of appendix of Subpart B of Part 3 (Standards of Good Engineering Practice Concerning FM Broadcast Stations) the following:

I. *Subsidiary Communications multiplex operations: Engineering standards.* The following standards apply to Subsidiary Communications multiplex operations under §§ 3.293 to 3.296.

(1) Frequency modulation of subcarrier shall be used.

(2) The instantaneous frequency of the subcarriers shall at all times lie within the range 20 to 75 kilocycles.

(3) The arithmetic sum of the modulation of the main carrier by the subcarriers shall not exceed 30 percent. Note: Inasmuch as presently approved FM modulation monitors have been designed to meet requirements for modulation frequencies of from 50 to 15,000 cycles, the use of such monitors for reading the modulation percentages during multiplex operation may not be

appropriate since the subcarriers utilized are above 20,000 cycles.

(4) The total modulation of the main carrier, including the subcarriers, shall meet the requirements of § 3.268.

(5) Frequency modulation of the main carrier caused by the subcarrier operation shall, in the frequency range 50 to 15,000 cycles, be at least 60 db below 100 percent modulation.

[F. R. Doc. 55-2458; Filed, Mar. 24, 1955; 8:50 a. m.]

## PART 11—INDUSTRIAL RADIO SERVICES

### LICENSE TERM; CORRECTION

In the matter of amendment of § 11.610 of the rules governing the Industrial Radiolocation Service.

Correct the ordering clause of the Commission's order of March 9, 1955, in the above entitled matter (FCC 54-427 and 20 F. R. 1585) by deleting therefrom "§ 11.604" and inserting in lieu thereof "§ 11.610".

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL]

MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 55-2459; Filed, Mar. 24, 1955; 8:50 a. m.]

## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

#### PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

##### CANCELLATION OF ORDER

At a session of the Interstate Commerce Commission, Division 1 held at its office in Washington, D. C., on the 10th day of March A. D. 1955.

The matter of quarterly and annual reports of selected Operating Statistics from Express Companies being under consideration, and it appearing that the necessity for furnishing the information no longer exists, and that public rule-making procedures are unnecessary:

It is ordered, That § 120.32 *Operating statistics; express companies*, the order dated March 14, 1950, in the matter of quarterly and annual reports of selected Operating Statistics from Express Companies, be and it is hereby vacated, set aside, and canceled effective January 1, 1955.

It is further ordered, That a copy of this canceling order shall be served upon the Railway Express Agency, Inc., and notice of the cancellation be given the general public by posting a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(24 Stat. 386 as amended; 49 U. S. C. 20)

By the Commission, Division 1.

[SEAL]

HAROLD D. MCCOY,  
Secretary.

[F. R. Doc. 55-2434; Filed, Mar. 24, 1955; 8:48 a. m.]



## PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## [ 7 CFR Part 905 ]

[Docket No. AO 209-A6]

## HANDLING OF MILK IN THE OKLAHOMA CITY, OKLAHOMA, MARKETING AREA

## NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Crystal Hall, Huckins Hotel, 20 North Broadway, Oklahoma City, Oklahoma, beginning at 10:00 a. m., c. s. t., March 31, 1955, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area were proposed as enumerated below:

Proposed by Central Oklahoma Milk Producers Association:

1. Delete § 905.7 and insert in lieu thereof, the following:

§ 905.7 *Approved plant*. "Approved plant" means:

(a) Any plant currently used for receiving milk directly from producers or for the processing of milk received from a plant described under paragraph (b) of this section, which has been approved by a municipal or state health authority having jurisdiction in the marketing area or by a Federal agency located in the marketing area, and from which Class I products are disposed of on routes for fluid consumption in the marketing area;

(b) A plant operated by a cooperative association located within the marketing area, which has been approved by a municipal or state health authority having jurisdiction in the marketing area or by a Federal agency located in the marketing area, for receiving Grade "A" milk directly from producers or other handlers.

2. Delete § 905.9 and insert in lieu thereof the following:

§ 905.9 *Handler*. "Handler" means:

(a) Any person in his capacity as an operator of an approved plant and

(b) A cooperative association with respect to milk of any producer(s) which

it causes to be diverted from an approved plant to an unapproved plant.

3. a. Delete the standard utilization percentages included in the column under § 905.51 (a) (2) and insert in lieu thereof the following:

Month for which price applies	Months used in computation	Standard utilization percentage
January.....	November-December.....	122
February.....	December-January.....	124
March.....	January-February.....	125
April.....	February-March.....	128
May.....	March-April.....	132
June.....	April-May.....	139
July.....	May-June.....	138
August.....	June-July.....	129
September.....	July-August.....	127
October.....	August-September.....	123
November.....	September-October.....	115
December.....	October-November.....	117

b. Change the figure "50¢" in the proviso at the end of § 905.51 (a) (3) to 23¢, and change the period at the end of said proviso to a comma and add the following: "Provided further, That for each of the months of September, October, November and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May and June, such price shall not be more than that for the preceding month as a result of the action of the supply-demand adjustments provided herein."

Proposed by handlers subjected to Order No. 5:

4. Delete the present language in § 905.7 and substitute therefor the following:

§ 905.7 *Approved plant*. "Approved plant" means any plant which receives milk from dairy farmers and which:

(a) Processes and packages any Class I milk product specified in § 905.41 (a), all or a part of which is disposed of in the marketing area for human consumption in fluid form; or

(b) Is approved by a municipal or state health authority having jurisdiction in the marketing area or by a Federal agency located in the Marketing Area for receiving milk which may be disposed of as Class I milk in the Marketing Area and which ships during the delivery period at least 80 percent of its receipts to plants described in paragraph (a) of this section, and which is not the type of plant described in paragraph (a) of this section and is not under suspension as an approved plant pursuant to § 905.63. Any plant which fulfills this requirement for each of the months of July through December, inclusive of the same year shall be an approved plant until July 1 of the following year: *Provided*, That the milk received at the plant continues to be qualified under the applicable health requirements as a source of milk for the plants supplied by it during said months. *Provided further*, That the plant operator does not notify the Market Administrator that the plant should be withdrawn from the pool; in the event such notification is given, the

plant will no longer be a pool plant starting with the beginning of the delivery period following receipt of the notification by the Market Administrator except during the delivery period(s) in which the condition set forth in the first sentence of this paragraph is fulfilled.

5. Amend the part by adding the following new section:

§ 905.63 *Suspension of approved plants*. Any plant described in § 905.7 (b) shall be suspended automatically as an approved plant, such suspension to remain effective during each of the delivery periods of March through June, inclusive, of the next succeeding year unless,

(a) At least 80 percent of the milk received from approved dairy farms is shipped to plants described in § 905.7 (a) during each of the delivery periods of July through December, inclusive; or

(b) Such plant gives notice to the Market Administrator in writing that during each of the delivery periods of July through December, it is willing to ship an amount of milk in fluid form to any plant described in § 905.7 (a) which together with such amount of milk as it disposes of as Class I milk for consumption within the Marketing Area in said delivery period shall include not less than 80 percent of the pounds of milk received from producers during the delivery period to which said offer applies: *Provided*, That said notice shall contain at least the following information:

(1) The specific days on which the milk will be available; the amount of milk available on each of such days with the butterfat content thereof, and if such plant intends to offer its entire supply of milk for a particular day, the offer shall so state; and the price to be charged for the milk offered (but in no case shall the handling charge be more than 35 cents) and the terms of sale;

(2) Only those amounts of milk offered for sale on days that are at least 9 full days after the date on which said notice is postmarked shall be included in computing the total amount offered for the delivery period;

(3) Only such amount of butterfat or product pounds which is sold on any day to operators of plants described in § 905.7 (a) as is in excess of the amount offered for sale on said day by said notice shall be considered in computing the amount actually sold on such day, but the entire amount of butterfat or product pounds so sold shall be considered if such sale occurs on a day on which no offer is made;

(4) Only such amount of milk offered by said notice on any day shall be credited to the offer as is not in excess of the amount of milk received from producers on said day;

(5) Upon receipt of said notice the Market Administrator shall make the offer and terms thereof public by transmitting the same to all handlers not later



## PROPOSED RULE MAKING

than one business day after receiving the notice;

(6) Any handler who desires to accept an offer shall notify the offering plant, or the person whom the offering handler has designated as his agent, to receive acceptance, of his willingness to accept such offer at least 4 days prior to the date on which milk is available for purchase. If the offering plant or its agent refuses to sell the milk to the handler accepting the offer and such handler so notifies the market administrator, he shall verify the refusal to sell by communicating with the offering plant or its agent. If upon subsequent audit and investigation the market administrator determines that such milk had not actually been shipped to a regulated plant serving the marketing area, the offer for said day shall be considered null and void, and in determining the plant's compliance with this section consideration shall be given only to sales occurring on such day;

(c) Any milk or milk product received at an approved plant from a plant during any period of suspension pursuant to this section shall be other source milk;

(d) Suspension of any approved plant shall not be terminated or affected by transfer of ownership through sale or otherwise.

6. Change the designation of the present paragraph (b) of § 905.51 to § 905.51 (c) and add the following provision as § 905.51 (b):

(b) Class I milk moved in bulk to any plant other than to a plant described in § 905.7 (a) during any of the delivery periods of July through December, inclusive, shall be classified separately and its price shall be \$0.70 per hundred-weight higher than the prices otherwise computed pursuant to paragraph (a) of this section: *Provided*, That if such bulk milk is made available to handlers of plants described in § 905.7 (a) in accordance with the conditions set forth in § 905.63 (b) the provisions of this paragraph shall not apply.

7. Amend § 905.51 (a) (2) by making the following changes in the "standard utilization percentages":

Month for which price applies	Months used in computation	Standard utilization percentage	
		Present	Proposed
January.....	November-December...	113	119
August.....	June-July.....	134	125
September.....	July-August.....	130	120
December.....	October-November.....	110	117

8. Amend § 905.51 (a) (3) by adding the following proviso: "*Provided*, That if a plant regulated by this part did not have Class I sales and producer receipts in each of the preceding delivery periods of September through December (subsequent to the effective date of this provision) it shall be excluded in the calculation of the percentage used in this paragraph."

9. Amend the proviso contained in the present § 905.51 (a) (3) to read 32 cents in the last sentence rather than 50 cents.

10. a. Amend § 905.46 (a) by adding a new subparagraph (3) which shall read as follows:

(3) For any delivery period if the Market Administrator determines there is not a sufficient amount of the producer milk available in the plants of other handlers which can be obtained at the class prices plus a reasonable handling charge and if the total pounds of skim milk received from producers and other handlers is less than 110 percent of the total pounds of skim milk classified as Class I milk, not including Class I milk transferred to plants of a handler or to non-handler plants, subtract prorated from the pounds of skim milk remaining in each class the pounds of skim milk received in other source milk.

b. Renumber the present subparagraphs (3) to (7) as (4) to (8). Then, further amend the redesignated subparagraph (4) to read as follows:

(4) Except as provided in subparagraph (3) of this paragraph subtract from the remaining pounds of skim milk in series beginning with Class II, the pounds of skim milk in receipt of other source milk.

11. Amend § 905.71 *Computation of uniform price* by deleting the word "August" and substituting therefor the word "July".

12. Amend § 905.72 *Computation of uniform prices for base milk and excess milk* by deleting the word "July" and substituting therefor the word "June".

Proposed by Dairy Division, Agricultural Marketing Service:

13. Make such other changes as may be required to make the entire order conform with any amendment thereto which may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 2901 Classen Boulevard, Room 250, Oklahoma City 6, Oklahoma, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 22, 1955.

[SEAL] ROY W. LENNARTSON,  
Deputy Administrator.

[F. R. Doc. 55-2467; Filed, Mar. 24, 1955; 8:52 a. m.]

## [7 CFR Part 952]

[Docket No. AO 256-1]

MILK IN AUSTIN-WACO, TEXAS,  
MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER REGULATING HANDLING

## Correction

In F. R. Doc. 55-2312, appearing at page 1700 of the issue for Tuesday, March 22, 1955, the signature should read: "Roy W. Lennartson, Deputy Administrator".

## [7 CFR Part 953]

[Docket No. AO 144-A6]

HANDLING OF LEMONS GROWN IN  
CALIFORNIA AND ARIZONA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900; 19 F. R. 57), notice is hereby given of a public hearing to be held in Room 810 Federal Building, 312 North Spring Street, Los Angeles, California, beginning at 10:00 a. m., P. s. t., April 13, 1955, with respect to proposed amendments to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of lemons grown in California and Arizona. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and to any appropriate modifications thereof.

The amendments to the marketing agreement and order which have been proposed by the Sunkist Growers, Inc., the Mutual Orange Distributors, and the American National Foods, Inc., are as follows:

1. Delete the provisions of § 953.2 and insert in lieu thereof the following:

§ 953.2 *Act*. "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

2. Add after § 953.52 *Issuance of regulations* the following new section:

§ 952.52a *Volume regulation when season average price is in excess of parity*. In order to effectuate the declared policy of the act and in order to maintain such orderly marketing conditions for lemons as will provide, in the interest of producers and consumers alike, an orderly flow of the supply of lemons to market throughout their normal marketing season and in order to avoid unreasonable fluctuations in the supply and price of lemons, the provisions of this subpart be made effective notwithstanding that the season average price of lemons is found to be in excess of parity.

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed the following amendments to the marketing agreement and order:

1. Delete the requirement in paragraph (h) of § 953.22 *Nominations*, that two persons shall be nominated for the



non-industry member and alternate member positions and provide that one person shall be nominated for each such position.

2. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendment thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Hearing Clerk, United States Department of Agriculture, Room 112 Administration Building, Washington 25, D. C., or from the Field Representative, Fruit and Vegetable Division, 1031 South Broadway, Room 1005, Los Angeles 15, California.

Filed at Washington, D. C., this 22d day of March 1955.

[SEAL] ROY W. LENNARTSON,  
Deputy Administrator.

[F. R. Doc. 55-2466; Filed, Mar. 24, 1955;  
8:52 a. m.]

## FEDERAL RESERVE SYSTEM [ 12 CFR Part 206 ]

[Reg. F]

### TRUST POWERS OF NATIONAL BANKS

#### COLLECTIVE INVESTMENT OF TRUST FUNDS

Part 206 (Regulation F), which relates to trust powers of national banks, contains provisions prohibiting the collective investment of trust funds except as permitted in § 206.17. The Board is considering amending these provisions so as to permit the collective investment of funds of trusts which are established under employers' pension, profit-sharing, or stock bonus plans without requiring compliance with the provisions of § 206.17, provided each such trust is exempt from Federal income taxes and the collective investment is specifically authorized by the trust instrument or by court order.

The proposed amendment to paragraph (c) of § 206.10 is as follows:

(c) *Collective investment of trust<sup>10</sup> funds.* Funds received or held by a national bank as fiduciary shall not be invested collectively<sup>11</sup> except that (1) such collective investments may be made in accordance with § 206.17, and (2) funds of a trust which forms part of a pension, profit-sharing, or stock bonus plan of an employer for the exclusive benefit of his employees or their beneficiaries and which is exempt from Federal income taxes under the Internal Revenue Code may be invested collectively if such collective investment is specifically author-

<sup>10</sup> Unless the context otherwise indicates, the term "trust," as used in this section or in any other part of this regulation, refers to any fiduciary relationship which a national bank is authorized to enter into under the provisions of section 11 (k) of the Federal Reserve Act.

<sup>11</sup> This does not prevent the bank from investing the funds of several trusts in a single real estate loan if the bank owns no participation in the loan and has no interest therein except in its capacity as fiduciary.

ized by the instrument creating the trust or by court order.

This notice is published pursuant to section 4 of the Administrative Procedure Act and section 2 of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2). The proposed changes are authorized under the authority cited at 12 CFR Part 206.

To aid in the consideration of this matter the Board will be glad to receive from interested persons any relevant data, views or arguments. Although

such material may be sent directly to the Board, it is preferable that it be sent to the Federal Reserve Bank of the district which will forward it to the Board to be considered. All such material should be submitted in writing to be received not later than April 25, 1955.

BOARD OF GOVERNORS OF THE  
FEDERAL RESERVE SYSTEM,

[SEAL] S. R. CARPENTER,  
Secretary.

[F. R. Doc. 55-2431; Filed, Mar. 24, 1955;  
8:47 a. m.]

## NOTICES

### DEPARTMENT OF THE TREASURY Fiscal Service, Bureau of the Public Debt

[1955 Dept. Circ. 958]

#### 1½ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES F-1955

##### OFFERING OF CERTIFICATES

MARCH 22, 1955.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for Tax Anticipation Certificates of Indebtedness of the United States, designated 1½ percent Treasury Certificates of Indebtedness of Series F-1955. The amount of the offering is \$3,000,000,000 or thereabouts. The books will be open only on March 22 for the receipt of subscriptions.

II. *Description of certificates.* 1. The certificates will be dated April 1, 1955, and will bear interest from that date at the rate of 1½ percent per annum, payable with the principal at maturity on June 22, 1955. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates is subject to all taxes imposed under the Internal Revenue Code of 1954. The certificates are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will be accepted at par plus accrued interest to maturity in payment of income and profits taxes due on June 15, 1955.

4. Bearer certificates will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Fed-

eral Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be received without deposit, but will be restricted in each case to an amount not exceeding one-half of the combined capital, surplus and undivided profits, of the subscribing bank, as of December 31, 1954. Subscriptions from all others must be accompanied by payment of 5 percent of the amount of certificates applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 5 percent payment in excess of 5 percent of the amount of certificates allotted may be released upon the request of the subscribers.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of certificates applied for; and any action he may take in these respects shall be final. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for certificates allotted hereunder must be made or completed on or before April 1, 1955, or on later allotment. In every case where payment is not so completed, the payment with application up to 5 percent of the amount of certificates allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depository will be permitted to make payment by credit for certificates allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the



amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL]

G. M. HUMPHREY,  
Secretary of the Treasury.

[F. R. Doc. 55-2456; Filed, Mar. 24, 1955;  
8:49 a. m.]

### Foreign Assets Control

#### IMPORTATION OF ARROWHEAD DIRECTLY FROM HONG KONG

#### AVAILABLE CERTIFICATIONS BY THE GOVERNMENT OF HONG KONG

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodity: Arrowhead.

[SEAL]

ELTING ARNOLD,  
Acting Director,  
Foreign Assets Control.

[F. R. Doc. 55-2496; Filed, Mar. 23, 1955;  
4:06 p. m.]

### DEPARTMENT OF AGRICULTURE

#### Office of the Secretary

#### NOTICE OF CHANGE IN TITLE OF SOLICITOR TO GENERAL COUNSEL

Pursuant to the authority vested in me by Reorganization Plan No. 2 of 1953, and effective immediately, the title of the Solicitor is hereby changed to General Counsel. His Office shall hereafter be known as the Office of the General Counsel, and corresponding changes in nomenclatures within his Office consistent with this order shall be deemed effective.

This change has been under consideration for some time and I believe is desirable to provide a title more nearly descriptive of the work of that Office. This action is in line with similar changes that have been made in other Executive departments.

Done at Washington, D. C., this 17th day of March 1955.

[SEAL]

E. T. BENSON,  
Secretary of Agriculture.

[F. R. Doc. 55-2507; Filed, Mar. 24, 1955;  
8:55 a. m.]

### CIVIL AERONAUTICS BOARD

[Docket No. 6582]

EASTERN AIR LINES, INC., AND COLONIAL  
AIRLINES, INC.; CONTROL CASE

#### NOTICE OF ORAL ARGUMENT

In the matter of the control of  
Colonial Airlines, Inc., by Eastern Air  
Lines, Inc.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on April 7, 1955, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., March 22, 1955.

[SEAL]

FRANCIS W. BROWN,  
Chief Examiner.

[F. R. Doc. 55-2463; Filed, Mar. 24, 1955;  
8:51 a. m.]

### FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11169—11173; FCC 55-317]

TRIAD TELEVISION CORP. ET AL.

#### MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re applications of Triad Television Corporation, Parma, Michigan, Docket No. 11169, File No. BPCT-1846; Booth Radio & Television Stations, Inc., Parma, Michigan, Docket No. 11170, File No. BPCT-1866; Television Corporation of Michigan, Inc., Onondaga, Michigan, Docket No. 11171, File No. BPCT-1870; Jackson Broadcasting & Television Corp., Parma, Michigan, Docket No. 11172, File No. BPCT-1871; Michigan State Board of Agriculture, Onondaga, Michigan, Docket No. 11173, File No. BPCT-1885; for construction permits for new television stations.

1. The Commission has before it for consideration (1) petitions of Jackson Broadcasting and Television Corporation (hereinafter called Jackson) to dismiss the application of Michigan State Board of Agriculture (hereinafter called Board) and to enlarge issues,<sup>2</sup> filed October 13 and October 14, 1954, respectively; (2) a petition of Triad Television

<sup>1</sup> In opposition thereto the following pleadings were filed: (a) Opposition by Board filed November 26, 1954; (b) opposition by Television Corporation of Michigan, Inc., filed November 26, 1954; (c) opposition and reply by Booth Radio and Television Stations, Inc., filed November 29, 1954; and (d) opposition by Chief, Broadcast Bureau filed November 29, 1954.

<sup>2</sup> In opposition thereto the following pleadings were filed: (a) Opposition by Board, filed November 26, 1954; (b) opposition by Television Corporation of Michigan, Inc., filed November 26, 1954; (c) opposition and reply by Booth Radio and Television Stations, Inc., filed November 29, 1954 (this opposition and reply as well as that referenced under footnote (1) (c) are contained in one document); and (d) opposition by Chief, Broadcast Bureau filed November 29, 1954.

Corporation (hereinafter called Triad) to enlarge issues filed October 13, 1954;<sup>3</sup> and (3) a petition of Board to clarify or, in the alternative, delete Issue No. 2 of the Commission's Order of Designation, released September 23, 1954, as modified by its order of December 27, 1954.<sup>4</sup>

2. By its Order of September 22, 1954 the Commission designated the above-entitled applications for hearing. The Commission's Order of December 22, 1954, released December 27, 1954, modified said Order of Designation. As modified it specified three issues. Issues 1 and 2 require determination under Section 3.636 of the Commission's Rules in view of Booth's ownership of Station WBKZ-TV, Battle Creek, Michigan (Issue #1) and in view of Michigan's ownership of Station WKAR-TV, East Lansing, Michigan (Issue #2). Issue No. 3 consists of the standard comparative issue.

3. In its petition to dismiss Board's application Jackson challenges Board's selection of East Lansing as the location for its main studio because of Board's alleged failure to make an adequate showing of good cause as required by paragraph (b) of § 3.613 of our rules (47 CFR 3.613 (b)).<sup>5</sup> (a) for locating its main studio outside Onondaga, the community Board proposes to serve and (b) that such main studio location would not be inconsistent with the operation of the station in the public interest. Petitioner points out that the location of an applicant's main studio is significant in that it is to serve as a medium of local self-expression and that, unless accessible for origination of local programs, a studio location selected which does not meet the stated requirements does not

<sup>3</sup> In opposition thereto the following pleadings were filed: (a) Opposition by Board, filed November 26, 1954; (b) opposition by Television Corporation of Michigan, Inc., filed November 26, 1954 (this opposition, the opposition referenced under footnote (1) (b) and the opposition referenced under footnote (2) (b) are contained in one document); (c) opposition and reply by Booth Radio and Television Stations, Inc., filed November 29, 1954 (contained in pleading referenced under footnote (1) (c) above); and (d) opposition by Chief, Broadcast Bureau filed November 29, 1954 (contained in pleading referenced under footnote (2) (d) above).

<sup>4</sup> In opposition thereto the following pleadings were filed: (a) Opposition by Jackson, filed January 6, 1955, and (b) comments filed by Chief, Broadcast Bureau on January 10, 1955.

<sup>5</sup> Paragraphs (a) and (b) of § 3.613, in pertinent part, read as follows:

"Main studio location. (a) \* \* \* main studio \* \* \* shall be located in the principal community to be served. \* \* \* Where \* \* \* principal community to be served \* \* \* not \* \* \* specifically defined political boundaries, applications to be considered \* \* \* on a case-to-case basis \* \* \* to determine whether \* \* \* main studio is located within principal community to be served."

"(b) \* \* \* where an adequate showing \* \* \* that \* \* \* good cause for locating \* \* \* main studio outside \* \* \* and \* \* \* not \* \* \* inconsistent with \* \* \* public interest \* \* \* Commission will permit use of a main studio location other than that specified in paragraph (a) of this section."



come within the rules cited. Petitioner argues that, although § 3.613 (b) permits location of the main studio outside the community, the Commission's rules do not contemplate location of the main studio more than 15 miles from the channel-community. Jackson points out that our assignment of Channel 10 here involved is to the two communities of Parma (a community of 680 people)—Onondaga (a community of 400 people)—in combination; that these communities are approximately 13 miles apart from each other; that Parma is approximately 9.5 miles west of the City of Jackson and that Onondaga is approximately 20.5 miles south of East Lansing and approximately 15.5 miles northwest of the City of Jackson. Apparently because of these distances Jackson, in further support of its challenge, relies upon paragraph (b) of § 3.607 of our rules<sup>4</sup> which makes a channel assigned to a "listed community" available to any "unlisted community" within 15 miles of the listed community. In petitioner's view § 3.607 actually prohibits filing of an application unless the 15-mile distance is adhered to. Since Michigan State College Campus is approximately 20.5 miles from Onondaga, Board's application, in petitioner's view, does not fall within the exception of paragraph (b) thereof. Jackson's request for dismissal is further urged on the ground that, in view of footnote 10, 2 (c) of § 1.371 of our rules,<sup>5</sup> the Commission will not accept an application on behalf of a permittee (such as Board) which seeks to modify its outstanding permit (WKAR-TV) to specify a channel other than that under which its permit is held.

4. We are not persuaded by Jackson's arguments in support of its request for dismissal of Board's application. Board applies for Onondaga as its station community. Onondaga is one of the two communities (in combination) to which Channel 10 has been assigned by us. Board's application is to this extent in compliance with paragraph (a) of § 3.607 of our rules. Applicability of said paragraph (a) precludes applicability of paragraph (b) of said section so that, under the circumstances here prevailing, § 3.607's 15-mile proviso is without bearing on Board's selection of its main studio in East Lansing, more than 15 miles from Onondaga. Unquestionably,

television service to individual communities (here Parma-Onondaga) requires availability of signal reception and transmission facility within a reasonable distance thereof (subject to applicable rules of engineering and depending upon the circumstances of each individual case) as well as location of the main studio at a distance permitting local self-expression on the part of the station community. Board's proposed transmitter location near Onondaga meets one of these two essential elements. Since Onondaga only has a population of 400 people and Parma only has a population of 680 people, location of Board's main studio outside these two communities becomes, as to distance involved, a matter of considered judgment. Jackson refers to our recognition of the "Jackson trading area" as the area which would be served by a station in either Parma or Onondaga (see our Report and Order In the Matter of Amendment of § 3.606, Docket No. 10619, adopted January 20, 1954; FCC 54-66) as preventing selection of Board's main studio location in East Lansing. Since, in so arguing, the probable difference in distances involved (15.5 miles from Onondaga to Jackson and approximately 20.5 miles from Onondaga to East Lansing) is a matter of degree, our considered judgment on Board's selection of East Lansing as its main studio location is controlled by what persuaded us to assign Channel 10 to Parma-Onondaga (in combination). Parma-Onondaga (in combination) were preferred over the cities of Jackson and Coldwater as being within a relatively small triangular area in the south central portion of Michigan, west of the City of Jackson and south of the City of Lansing. As then, we still are of the opinion that "in view of the small size of the [set] communities [Parma-Onondaga], their proximity to the City of Jackson and each other, . . . a station in either [community] would serve the other and provide the Jackson trading area with another warranted service." In requesting pursuant to paragraph (b) of § 3.613 of our rules the waiver of subsection (a) of such Section (requiring the location of the main studio in the principal community to be served) with its amendment of September 3, 1954, Board pointed out that "of the persons and organizations available for live programming in the area, the majority are located on the Campus of Michigan State College in East Lansing . . . [and that] the City of East Lansing is readily accessible to the residents of Parma and Onondaga." Program service originating from such state university sources, transmitted over facilities located near Onondaga provides, in our judgment, good cause for granting of the requested waiver in that for such purpose another warranted service is made available to the "trading area" south of Lansing and west of the City of Jackson. A television station in either Onondaga or Parma not only will render service to the Parma-Onondaga area but to most of the Jackson-Battle Creek-Lansing area.

5. To the extent that petitioner Jackson relies upon (2) (c) of footnote 10 to

§ 1.371 of our rules, it must be observed that said footnote was deleted October 20, 1954.

6. In view of the considerations set forth in paragraphs 4 and 5, supra, Jackson's request for a dismissal of Board's application cannot prevail.

7. Jackson has further petitioned us to add nine hearing issues. Three of these issues are set forth for consideration in the event Jackson should fail in its request for dismissal of Board's application. Having denied Jackson's request in this respect we address ourselves to these particular issues. One of them seeks a determination whether Board's application is in violation of §§ 3.606, 3.607 or 3.613 of our rules. Another issue invokes the applicability of (2) (c) of footnote 10 to § 1.371 of our rules in view of Board's operation of television station WKAR-TV (Channel 60) in East Lansing and thus requests a hearing on Board's right to a comparative consideration herein.<sup>6</sup> In view of the basis for our denial of Jackson's request for dismissal of Board's application (see paragraphs 4 and 5, supra), no reason exists for an addition of these two alternative issues. The third such issue<sup>7</sup> puts into focus Board's intention to place its main studio in East Lansing as of the time of the preparation and filing of its application. Our denial of Jackson's petition to dismiss Board's application also controls the disposition of this request; such action demands that it also be denied.

8. Under the remaining six issues whose addition is requested by petitioner Jackson, Commission inquiry is sought into (a) the financial qualifications of Board; (b) whether Board, Michigan and Booth have shown good cause for waiver of the Rules as to location of their proposed main studios outside the communities involved (§ 3.613 of our rules); (c) validity and legality of the agreement of August 30, 1954 between Board and Michigan; (d) possible violation of Commission policy in view of payment of a percentage of net income by Michigan to Board as payment for use of physical equipment, facilities and personnel of Board; (e) financial qualifications of Michigan and (f) whether a 307 (b) issue should be

<sup>4</sup> These two issues are phrased as follows:

"11. To determine if Michigan State Board of Agriculture, at the time the above-entitled application was prepared and filed, intended to locate the main studios of the proposed station on the Michigan State College Campus at East Lansing, Michigan, and in studios now used by television station WKAR-TV.

"12. To determine if the above-entitled application of Michigan State Board of Agriculture violates §§ 3.606, 3.607, or 3.613 of the Commission's rules."

<sup>5</sup> It reads as follows:

"13. To determine, in the light of the fact that Michigan State Board of Agriculture is the permittee and operator of television broadcast station WKAR-TV on Channel 60 at East Lansing, Michigan, whether, under the provisions of the Communications Act of 1934, as amended, the Commission's rules and regulations, and its policies adopted thereunder, its above-entitled application is entitled to comparative consideration with the other applications in this proceeding."

<sup>4</sup> Paragraphs (a) and (b) of § 3.607, in pertinent parts, read as follows:

"Availability of channels. (a) . . . applications may be filed to construct . . . only on . . . the channels assigned in the Table of Assignment and only in the communities listed therein."

"(b) A channel assigned to a community . . . is available in any unlisted community . . . within 15 miles of the listed community. . . . Where channels are assigned to two or more communities listed in combination . . . this paragraph shall apply separately to each community so listed."

<sup>5</sup> 2 (c) of footnote 10 to § 1.371 was deleted, effective October 20, 1954 (11 RR 1541). It prevented (absent filing of show cause orders) filing of applications by a "licensee" or "permittee" of a television broadcast station which seeks modification of such an authorization "to specify a channel other than that authorized."



added." The issues will be considered in the order stated.

9. Jackson's challenge of the financial qualifications of Booth is predicated upon the alleged financial inability of its stockholder John L. Booth to advance \$500,000 for construction and operation of the proposed station and upon the fact that stockholder Booth expressed his willingness to advance the amount involved in an undated statement neither providing for any method and dates of repayment nor for percentage of interest to be paid. As to stockholder Booth's financial ability Jackson points to identical loan commitments made by him in connection with applicant Booth's applications for television stations at Detroit and Saginaw, Michigan and that stockholder Booth's balance sheet, as of April 27, 1954, though showing a net worth of over \$2,000,000, does not list any of these commitments and does therefore not establish that stockholder Booth will be able to meet his total outstanding commitments of \$1,500,000.

10. The matters relied upon by Jackson (see paragraph 9, supra) were considered by us when adopting our original order of designation herein. We then found Booth financially qualified to construct and operate its proposed station. We adhere to this determination. In support thereof it suffices to point out that stockholder Booth's balance sheet lists an amount of over \$2,300,000 as "Assets over Liabilities"; that stockholder Booth also committed himself to dispose, if necessary, of some of his assets in order to meet his commitments and that applicant Booth, by amendment filed June 1, 1954, established the marketability of 20,000 shares of common stock in Booth Newspapers, Inc. owned by stockholder Booth. Funds available from this source are in excess of \$900,000. The ability of stockholder Booth to lend the funds to which he committed himself can therefore not be challenged. Accordingly, Jackson has failed to make "a reasonable showing that funds may not in fact be available." South Central

Broadcasting Corp., et al., 9 RR 1035, 1039. Jackson does not deny stockholder Booth's willingness to lend the funds involved. Absence of a legal recourse against same on the part of applicant Booth is not controlling. Kokomo Pioneer Broadcasting, 6 RR 285 (1950); Suffolk Broadcasting Corporation, 6 RR 457 (1951).

11. Our disposition of Jackson's request for an issue whether Board, Michigan or Booth have shown good cause, as required by § 3.613 of our rules,<sup>11</sup> for the location of their proposed main studios outside the communities of Onondaga-Parma, respectively, is governed by the considerations underlying our denial of Jackson's request for dismissal of Board's application (see paragraphs 4 and 5, supra). To the extent that this issue affects Michigan's proposed main studio location outside the City of Jackson, approximately 15.5 miles from Onondaga (which community Michigan chose as its station community and as the location of its transmission facilities), Michigan requests a waiver of paragraph (a) of § 3.613 of our rules. Said request for a waiver was before us at the time of the adoption of our original order of designation on September 22, 1954. It is, as we then determined, fully substantiated by a showing of good cause therefor. It will serve no purpose to restate the underlying controlling factors pointed up in paragraph 4, supra. These factors are of even stronger impact insofar as they bear upon Booth's proposed main studio location: slightly west of the City of Jackson, approximately 8.5 miles from Parma, the community which Booth chose as its station community (proposed transmission facilities to be approximately 2 miles northwest of Parma).

12. To accede to petitioner Jackson's request for the addition of an issue as to the validity and legality of the agreement of August 30, 1954, between Board and Michigan (related to Board's power under its Charter) requires that we determine, as a preliminary matter, that petitioner has pleaded judicial authorities sufficient to warrant such an inquiry. On the basis of the allegations advanced by petitioner we are unable to make such necessary preliminary determination. Petitioner concedes Board's wide powers under its Charter in its operation of Michigan State College. In granting Board the authority to operate WKAR-TV (Channel 60) East Lansing we were satisfied that this Charter embraces the power to operate a television station. To overcome the presumption that such power permits execution of an agreement such as that of August 30, 1954 in furtherance of the proposed television project, petitioner's mere statement that "there is doubt as to whether Board . . . has authority to enter into agreements and contracts with private individuals and organizations which involve expenditure and receipt of large amounts of state funds over a period of years without giving prior public notice or advertising for bids" cannot be viewed as a

pleading sufficient to raise the issue of illegality of said agreement.

13. Insofar as under said agreement of August 30, 1954 (a) Board will permit Michigan to use the transmission plant at Onondaga (to be constructed and operated by Board), and will furnish personnel therefor in consideration of a payment of a certain percentage of costs plus 20 percent of net income; (b) will provide Michigan with mobile unit facilities; and (c) will permit Michigan the use of Board's WKAR studio on the Campus of Michigan State College at East Lansing, petitioner Jackson alleges violation of Commission policy and detriment to the public interest. Petitioner contends that such agreement may bring about control of the lessor (Board) over the lessee (Michigan). Jackson thus seeks addition of an issue to determine whether such payment of a percentage of net income by Michigan would violate Commission policy and whether it would be in the public interest.<sup>12</sup> In the absence of any showing whatsoever how Board's obligation under this agreement will bring about Board's control over Michigan as licensee, and in the face of the specific provision in said agreement that the transmitter, studio and transmission facilities when used by Michigan will be under the sole jurisdiction of Michigan, the addition of this issue must be denied.

14. Jackson's challenge of Michigan's financial qualifications is directed toward Michigan's estimate of first-year revenues in the amount of \$850,000. Jackson points to Michigan's limited program schedule (due to a share-time basis with Board) of slightly more than 66 hours per week, depriving Michigan of many prime viewing hours and adjudges Michigan's submitted estimate of revenues unsupportable and unrealistic in comparison (a) with Triad's similar estimate of annual revenues in the amount of \$625,000 on the basis of a program schedule of 113 hours and 50 minutes per week; (b) with its own like estimate of \$600,000 on the basis of a 114 hours and 30 minutes weekly program schedule; and (c) with Booth's estimate of annual revenues in the amount of \$525,000 for a weekly program schedule of 98 hours and 15 minutes. We are unable to accept these arguments as substantiating the challenge and thus decline to reverse our original position (taken when adopting our original order of designation). As then we determine now that Michigan has satisfactorily established its financial qualifications. In passing we observe that Jackson's arguments present a non-sequitur because they fail to substantiate Jackson's own estimate as well as those of Booth and Triad. In addition, no showing has been made why Michigan's estimate is unrealistic.

15. The remaining issue requested by petitioner Jackson is phrased as follows:

"10. To consider whether considerations with respect to Section 307 (b) of the Communications Act of 1934, as amended, are applicable in the above-entitled proceeding and, if so, whether a

<sup>10</sup> These additional issues are as follows:  
"5. To determine if Booth Radio & Television Stations, Inc., is financially qualified to construct and operate the proposed station.

"6. To determine if Booth Radio & Television Stations, Inc., Television Corporation of Michigan, Inc., and Michigan State Board of Agriculture have shown good cause as required by Section 3.613 of the Commission's Rules for location of the proposed main studios outside the communities to which the requested channel has been assigned.

"7. To determine the validity and legality of the August 30, 1954, agreement between The State Board of Agriculture, State of Michigan, and Television Corporation of Michigan, Inc.

"8. To determine whether the payment of a percentage of net income as proposed by Television Corporation of Michigan, Inc., as payment for use of physical equipment, facilities, and personnel of Michigan State Board of Agriculture, violates policies of this Commission and would be in the public interest.

"9. To determine if Television Corporation of Michigan, Inc., is financially qualified to construct and operate the proposed station."

As to Issue No. 10 see page 9, infra.

<sup>11</sup> See footnote 10.

<sup>12</sup> See footnote 10 as to exact phrasing of issue.



choice between the applications herein can be reasonably based thereon and, if so, whether a grant to one or the other of the applicants would provide the more fair, efficient, and equitable distribution of television service to the communities involved."

In support thereof Jackson points out that it and Triad propose main studio locations close to Parma; that Michigan (which chose Onondaga as its station community) and Booth (which chose Parma as its station community) propose main studio locations near the City of Jackson, approximately 15.5 and 10 miles, respectively, from Onondaga and Parma; and that Board proposes its main studio location in East Lansing, 20.5 miles from Onondaga. Petitioner contends that proposed main studio of competing applicants so scattered require inquiry under 307 (b). It cites Southern Tier Radio Service, Inc., 10 RR 204 and St. Louis Telecasters, Inc., 10 RR 1000 in which the Commission ordered addition of an issue similar to that requested by petitioner in support of this request.

16. Distinct from the Southern Tier Radio Service, Inc. proceeding which confronted the Commission with § 3.607 (b) by involving an unlisted community (Endicott, New York) located within 15 miles of the community to which the channel was allocated (Binghamton, New York), applicants herein have either chosen Onondaga or Parma as station communities so that the 15-mile community proviso of paragraph (b) of § 3.607—to be distinguished from the proviso of paragraph (b) of § 3.613 pertaining to the location of the main studio—is not applicable. A 307 (b) issue, we observed in said proceeding, "is not implicit in every television proceeding where conceivably a grant of an application could be premised thereon." The Commission is not compelled automatically to grant such enlargement without a showing that 307 (b) considerations would be pertinent. We are of the view that, on the basis of the showing made herein by petitioner (proposed locations of transmitters and main studios), a 307 (b) issue is pertinent.

17. Triad, like Jackson, seeks an issue to determine whether in view of § 1.371 of our rules<sup>12</sup> Board's application should be dismissed in the light of its operation (as permittee) of Station WKAR-TV (Channel 60), East Lansing. As we observed in paragraph 5, supra, the Commission deleted footnote 10 to § 1.371, effective October 20, 1954, thereby no longer precluding Board as permittee of Station WKAR-TV from filing its application herein. Triad's petition must therefore be denied.

18. Board's petition to clarify or, in the alternative, to delete Issue No. 2 as set forth in the Commission's modified Order of Designation of December 27, 1954, concerns an issue adopted with our original order of designation (Issue No. 3 therein) in view of (1) Board's ownership of television station WKAR-TV (Channel 60), East Lansing and (2) the prohibition of paragraph (b) of § 3.636

of our rules against a grant of a television license to a "party [which] directly or indirectly owns, operates or controls another television broadcast station which serves substantially the same area." Board supports its motion by pointing out that not only does its application as amended (August 31, 1954) reflect that, in the event of a grant herein, Board will surrender its Channel 60 permit, but that its pleading filed November 26, 1954 (opposition to Jackson's petition to enlarge) reiterated said position. In Board's opinion the matters raised in said issue can thus no longer be considered in issue "as not in dispute." We agree with petitioner. Although, as pointed out by opposing applicant Jackson, Board's allegations do not constitute good cause within the meaning of § 1.389 of our rules (requiring filing of motion to change issues not "later than 15 days of" publication of issue, here September 29, 1954),<sup>13</sup> no purpose would be served to retain said issue. No prejudice to competing applicants will arise from its elimination and, in the face of Board's repeated assurance that it will surrender its WKAR-TV permit in the event of a grant herein, elimination is appropriate and we so proceed on our own motion. In any event, should Board ultimately succeed herein a grant to it will be subject to the condition that it surrender its WKAR-TV permit.

19. We note that our Order of Designation, as modified by our order of December 27, 1954, requires a determination under § 3.636 of our rules in the light of Booth's ownership of television station KBKZ, Battle Creek, Michigan. The record of the Commission reflects that Booth surrendered its permit on October 22 and that the Commission cancelled it on October 27, 1954. The issue thus having become moot, we find it appropriate to have it deleted on our own motion.

20. In view of the foregoing: *It is ordered*, That the petition of Jackson Broadcasting and Television Corporation to dismiss the application of Michigan State Board of Agriculture, filed October 13, 1954, is denied and that the petition of Jackson Broadcasting and Television Corporation to enlarge issues, filed October 14, 1954, is denied except to the extent that it requests the addition of a 307 (b) issue, and that to this extent it herewith is granted, said issue to read as follows: "To consider whether considerations with respect to section 307 (b) of the Communications Act of 1934, as amended, are applicable in the above-entitled proceeding and, if so, whether a choice between the applications herein can be reasonably based thereon and, if so, whether a grant to one or the other of the applicants would provide the more fair, efficient, and equitable distribution of television service to the communities involved;" and

*It is further ordered*, That the petition of Triad Television Corporation to enlarge issues, filed October 13, 1954, is denied; and

*It is further ordered*, That the petition of Michigan State Board of Agriculture, filed January 3, 1955 to clarify

or, in the alternative, to delete Issue No. 2 of our modified Order of Designation of December 27, 1954, is granted insofar as it requests deletion of said issue; and

*It is further ordered*, That Issue No. 1 of our Order of Designation as modified December 27, 1954, is deleted;

In view of the foregoing the issues in the above-entitled proceeding now read as follows:<sup>14</sup>

"1. To consider whether considerations with respect to Section 307 (b) of the Communications Act of 1934, as amended, are applicable in the above-entitled proceeding and, if so, whether a choice between the applications herein can be reasonably based thereon and, if so, whether a grant to one or the other of the applicants would provide the more fair, efficient, and equitable distribution of television service to the communities involved.

"2. To determine on a comparative basis which of the mutually exclusive operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications."

Adopted: March 16, 1955.

Released: March 21, 1955.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 55-2460; Filed, Mar. 24, 1955;  
8:51 a. m.]

[Docket No. 11310; FCC 55-322]

NORTHERN CORP. (WMEX)

ORDERS DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of The Northern Corporation (WMEX), Boston, Massachusetts, for renewal of license; Docket No. 11310, File No. BR-833.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of March 1955;

The Commission having under consideration the application of The Northern Corporation for renewal of license for Station WMEX; and,

It appearing that the said licensee on February 12, 1951, stated in response to the Commission's "Questionnaire concerning the broadcasting of horse racing

<sup>12</sup> The authority granted the Examiner to enlarge the issues on matters specified in our Order of Designation, as modified, is hereby not affected.

<sup>12</sup> See footnote 7.

<sup>13</sup> 19 F. R. 6279.



information," that it broadcasts horse racing information on a regular basis during substantial portions of the afternoon broadcast day; and,

It further appearing that the Commission on April 25, 1951, extended the license of Station WMEX on a temporary basis because of questions presented by the broadcast of horse racing information over said station; and,

It further appearing that the said licensee by a verified statement on November 26, 1951, in support of its application for renewal of license, advised the Commission that it had discontinued the broadcasting of horse racing information; and,

It further appearing that the Commission, on February 25, 1952, relying on the assurances by the said licensee that it had discontinued horse racing programs, granted the application for renewal of license for said licensee; and,

It further appearing that subsequent to February 25, 1952, the said licensee resumed the broadcasts of horse racing information; and,

It further appearing that the Commission on March 17, 1954, forwarded a notice to the licensee apprising it, pursuant to section 309 (b) of the Communications Act of 1934, as amended, of the facts then in its possession relative to the type of racing information being broadcast by its station and raising questions as to whether the resumption of horse racing broadcasts after receiving renewal of its station license based on the representation made in its letter of November 26, 1951, that such broadcasts had been discontinued, reflects adversely on the good faith of those representations and consequently on the qualifications of The Northern Corporation to continue operation of Station WMEX; and whether, apart from the question of possible misrepresentation, such broadcasts are in the public interest; and,

It further appearing that the broadcast of horse racing information during the afternoon may be of aid to illegal gambling activities; and,

It further appearing that the broadcast of horse racing information may preclude the rendition by the said licensee of a well-rounded program service which meets the needs and interests of the community; and,

It further appearing that the said licensee on April 16, 1954, filed a reply to the Commission's notice dated March 17, 1954; and,

It further appearing that, in view of the foregoing, the Commission is unable to determine that a grant of the subject application for renewal of license would serve the public interest, convenience, and necessity;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above entitled application is designated for hearing, at a time and place to be specified by subsequent order of the Commission, upon the following issues:

1. To determine whether, to what extent, and the manner in which the subject station has broadcast, is currently

broadcasting and proposes to broadcast the following information relating to horse racing:

- (a) Entries.
- (b) Scratches.
- (c) Probable jockeys.
- (d) Jockey changes.
- (e) Winning jockey.
- (f) Weights.
- (g) Selections.
- (h) Off-time.
- (i) Next post time.
- (j) Track conditions.
- (k) Weather conditions.
- (l) Time of race.
- (m) Mutuels or prices paid.
- (n) Results of race.
- (o) Results in code.
- (p) Post positions.
- (q) Running account of race.
- (r) Pre-race betting odds.

2. To determine the manner in which the station obtains the above information.

3. To determine whether the broadcast of horse racing information by this station appears likely to be of substantial use to, or is used by persons engaged in illegal gambling activities.

4. To determine (a) the sponsorship, if any, of programs offering horse racing information, (b) the arrangements between the sponsors and the licensee for the handling of the broadcasts of horse racing information, and (c) whether and to what extent these arrangements have been or are being carried out.

5. To determine the arrangements, or commitments, if any, entered into by this station with persons engaged in illegal gambling activities for the broadcast of horse racing information, and the extent to which those commitments or arrangements are being met.

6. To ascertain whether the licensee in this proceeding has had discussions or dealings with any other broadcast station, with respect to the manner in which broadcasts of horse racing information should be handled, and to determine the outcome of such discussions or dealings.

7. To determine what instructions, if any, have been given by the licensee to its employees concerning the manner in which horse racing information is to be handled.

8. To determine what steps, if any, have been taken, and the manner in which such steps were taken by the licensee to ascertain the nature of the listening interests being served by the broadcast of horse racing information.

9. To determine the effect of the broadcasts of horse racing information upon the station's overall programming.

10. To determine, on the basis of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-entitled renewal application would be in the public interest.

Released: March 21, 1955.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 55-2461; Filed, Mar. 24, 1955;  
8:51 a. m.]

## FEDERAL POWER COMMISSION

### STATEMENT OF ORGANIZATION

#### MISCELLANEOUS AMENDMENTS

MARCH 18, 1955.

Pursuant to the requirements of section 3 (a) (1) of the Administrative Procedure Act, notice is hereby given that by Administrative Order No. 36A, adopted by the Commission on March 2, 1955, the Commission amended its Administrative Order No. 36, notice of which was published in the FEDERAL REGISTER, 20 F. R. 870; said Administrative Order No. 36A amends the changes in its organization in the following respects:

(1) Abolished the Division of Gas Certificates and the Division of Rates and transferred their functions to the Bureau of Rates and Gas Certificates.

(2) Transferred from the Division of Accounts to the Bureau of Rates and Gas Certificates the employees who regularly work on rate cases.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-2426; Filed, Mar. 24, 1955;  
8:47 a. m.]

[Project No. 2179]

### MERCED IRRIGATION DISTRICT

#### NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

MARCH 18, 1955.

Public notice is hereby given that Merced Irrigation District, of Merced, California, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for preliminary permit for proposed water-power Project No. 2179, tentatively known as Horseshoe Bend Reservoir & Project, to be located on the Merced River in the vicinity of Coulterville, Bagby, and Briceburg in Mariposa County, California, and to consist of a dam about 460 feet high; a reservoir with a capacity of about 900,000 acre-feet; a powerhouse with a proposed installed capacity of about 64,000 kilowatts; and appurtenant hydraulic, mechanical, and electrical facilities and miscellaneous project works. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10), the time within which such petitions must be filed being specified in the rules. The last date upon which protests may be filed is May 7, 1955. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-2427; Filed, Mar. 24, 1955;  
8:47 a. m.]



[Docket Nos. 3064, 3294, 3576, 3586, 3609, 3700, 3773, 3851, 4030, 4087, 4089, 4279, 4562, 4577, 4850]

COLORADO-WYOMING GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

MARCH 21, 1955.

In the matters of Colorado-Wyoming Gas Company, Docket No. G-3064; B. A. Hardey, Docket No. G-3294; W. A. Hewell, Trustee, Docket No. G-3576; the Wiser Oil Company, Docket No. G-3586; M. B. Armer, Docket No. G-3609; Armer Drilling Company, Docket No. G-3700; C. E. Beymer, et al., Docket No. G-3773; H. R. Smith, et al., Docket No. G-3851; Rose Rudman, et al., Docket No. G-4030; the Mars Company, Docket No. G-4087; Pipe Line Construction and Drilling Company, Docket No. G-4089; United Gas Pipe Line Company, Docket No. G-4279; G. G. Moore, Docket No. G-4562; E. L. Pinkston, et al., Docket No. G-4577; R. M. Lawrence, et al., Docket No. G-4850.

Notice is hereby given that on March 11, 1955, the Federal Power Commission issued its findings and orders adopted March 9, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-2449; Filed, Mar. 24, 1955;  
8:48 a. m.]

[Docket No. G-6178]

SUPERIOR OIL CO.

NOTICE OF APPLICATION AND DATE OF  
HEARING

MARCH 18, 1955.

Take notice that the Superior Oil Company (Applicant), a California corporation whose address is Midland, Texas, filed an application on November 29, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Greenwood Field, Morton County, Kansas, to Colorado Interstate Gas Company at 15 cents per Mcf, for transportation in interstate commerce for resale. Minimum annual volume delivered to equal the sum of accumulated allowables for all wells.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 14, 1955, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington,

D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 6, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-2428; Filed, Mar. 24, 1955;  
8:47 a. m.]

[Docket No. G-7114]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF  
HEARING

MARCH 21, 1955.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation whose address is El Paso, Texas filed on January 17, 1955 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate a tap on its Nogales line, together with necessary metering facilities for the sale of natural gas to Arizona Public Service Company for resale in and adjacent to the Huachuca Vista subdivision near Ft. Huachuca in Cochise County, Arizona.

Applicant has requested omission of the intermediate decision procedure and that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 15, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.32

(b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 8, 1955.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-2450; Filed, Mar. 24, 1955;  
8:48 a. m.]

[Docket No. G-7236]

HOLLY NESTER, AGENT FOR VAN BUREN  
LEASE

NOTICE OF APPLICATION AND DATE OF  
HEARING

MARCH 18, 1955.

Take notice that Holly Nester, Agent for Van Buren Lease (Applicant), an individual whose address is Millstone, West Virginia, filed an application on December 1, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Birch District, Braxton County, West Virginia, to the Equitable Gas Company at 20 cents per Mcf, for transportation in interstate commerce for resale. The proposed rate of delivery is 100 Mcf per day.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 14, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 6, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-2429; Filed, Mar. 24, 1955;  
8:47 a. m.]



[Docket No. G-7442]

SINNETT &amp; ALDREDGE

NOTICE OF APPLICATION AND DATE OF  
HEARING

MARCH 18, 1955.

Take notice that Sinnett & Aldredge (hereinafter called "Applicant"), a partnership whose address is Box 457, Logan, West Virginia, filed an application on December 1, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas produced from the Kanawha Field, Logan county, West Virginia, to United Fuel Gas Company at 18 cents per Mcf, for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 14, 1955, at 9:35 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 6, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY,  
Secretary.[F. R. Doc. 55-2430; Filed, Mar. 24, 1955;  
8:47 a. m.]SECURITIES AND EXCHANGE  
COMMISSION

[File Nos. 31-622, 54-186, 59-93, 70-1804]

CITIES SERVICE CO. ET AL.

SUPPLEMENTAL NOTICE AND ORDER POSTPONING PREHEARING CONFERENCE, DETERMINATION OF PERSONS TO BE HEARD, SCHEDULING OF THE PREHEARING CONFERENCE AND ISSUANCE OF FURTHER SUPPLEMENTAL ORDER IN THESE CONSOLIDATED PROCEEDINGS

MARCH 21, 1955.

In the matter of Cities Service Company, File No. 31-622; Arkansas Fuel Oil Corporation, formerly Arkansas Natural

Gas Corporation, Cities Service Company, File No. 54-186; Arkansas Fuel Oil Corporation, formerly Arkansas Natural Gas Corporation, and its subsidiaries and Cities Service Company, File Nos. 59-93, 70-1804.

The Commission having, on March 3, 1955, issued a Notice of Filing, Order Consolidating Proceedings, and Order for Hearing in the Consolidated Proceedings in the above-entitled matters wherein, among other things, the Commission directed that a prehearing conference be held on March 29, 1955 for the purpose of (1) determining the scope and nature of the evidence proposed to be presented by each interested person and the order of presentation thereof, and (2) agreeing upon the evidence in the consolidated proceedings at File Nos. 70-1804, 59-93 and 54-186 which is to be deemed relevant and material to the issues in these consolidated proceedings; and

It appearing appropriate to the Commission that immediately prior to the prehearing conference, the hearing officer should determine the right to be heard of any person who has properly requested leave to be heard; that the date for the prehearing conference should be postponed; and that notice should be given that the Commission would enter a further supplemental order based upon such agreement as might be reached at the prehearing conference.

It is therefore ordered, That the prehearing conference fixed for March 29, 1955, be, and hereby is, postponed.

It is further ordered, That at 10:00 a. m. on April 5, 1955, the hearing officer will exercise his discretion to determine which persons should be granted leave to be heard.

It is further ordered, That, immediately following the determination by the hearing examiner as to which of those persons requesting leave to be heard shall be granted such leave, a prehearing conference shall be held among the parties and persons granted leave to be heard for the same purposes as set forth in the order of March 3, 1955.

It is further ordered, That, based upon such agreement as might be reached at the prehearing conference, the Commission will enter a further supplemental order in these consolidated proceedings setting forth the evidence in the previous consolidated proceedings which are to be deemed relevant and material to the issues in the present proceeding and determining the order of presentation of evidence by each interested person.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.[F. R. Doc. 55-2432; Filed, Mar. 24, 1955;  
8:48 a. m.]INTERSTATE COMMERCE  
COMMISSION

[4th Sec. Application 30369]

MOTOR-RAIL-MOTOR RATES IN SOUTH-  
WEST; SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

MARCH 22, 1955.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Middlewest Motor Freight Bureau, for Missouri-Kansas-Texas Railroad Company, and the Lee Way Motor Freight, Inc., and other motor carriers.

Commodities involved: Highway trucks, trailers or semi-trailers.

Between: St. Louis, Mo., and Oklahoma City, Okla., and points beyond.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

HAROLD D. MCCOY,  
Secretary.[F. R. Doc. 55-2435; Filed, Mar. 24, 1955;  
8:48 a. m.]

[4th Sec. Application 30370]

GRAIN AND GRAIN PRODUCTS FROM ARKAN-  
SAS, KANSAS, AND OKLAHOMA TO TEXAS

APPLICATION FOR RELIEF

MARCH 22, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule named below.

Commodities involved: Grain and grain products, carloads.

From: Points in Arkansas, Kansas and Oklahoma.

To: Points in Texas.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. 3941, supp. 101.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If



because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F. R. Doc. 55-2436; Filed, Mar. 24, 1955;  
8:48 a. m.]

[4th Sec. Application 30371]

PAPER BAGS FROM JAITE, OHIO, TO  
CANTON AND MERIDIAN, MISS.

APPLICATION FOR RELIEF

MARCH 22, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for specified carriers parties to his tariff I. C. C. 4510, pursuant to fourth-section order No. 17220.

Commodities involved: Paper bags, carloads.

From: Jaite, Ohio.

To: Canton and Meridian, Miss.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F. R. Doc. 55-2437; Filed, Mar. 24, 1955;  
8:48 a.m.]

[4th Sec. Application 30372]

AUTOMOBILE FRAMES FROM FLINT AND  
NORTH FLINT, MICH., TO ATLANTA, GA.

APPLICATION FOR RELIEF

MARCH 22, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. 4510, pursuant to fourth-section order No. 17220.

Commodities involved: Automobile gear or truck extension frames, carloads.  
From: Flint and North Flint, Mich.  
To: Atlanta, Ga., and Atlanta group stations.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F. R. Doc. 55-2438; Filed, Mar. 24, 1955;  
8:48 a. m.]

[4th Sec. Application 30373]

VINYL ACETATE FROM CHARLESTON, W. VA.,  
TO CHARLOTTE, N. C.

APPLICATION FOR RELIEF

MARCH 22, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for specified carriers parties to his tariff I. C. C. 4510, pursuant to fourth-section order No. 17220.

Commodities involved: Vinyl acetate, in tank-car loads.

From: Charleston, W. Va.

To: Charlotte, N. C.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F. R. Doc. 55-2439; Filed, Mar. 24, 1955;  
8:48 a. m.]

[4th Sec. Application 30374]

CITRUS SYRUP FROM FLORIDA POINTS TO  
PHILADELPHIA, PA.

APPLICATION FOR RELIEF

MARCH 22, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.  
Commodities involved: Citrus pomace final syrup, in tank-car loads.

From: Tampa, Fla., and other specified origins in Florida.

To: Philadelphia, Pa.

Grounds for relief: Competition with rail-water carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. 1240, supp. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F. R. Doc. 55-2440; Filed, Mar. 24, 1955;  
8:48 a. m.]

[4th Sec. Application 30377]

PETROLEUM PRODUCTS FROM DULUTH,  
MINN., TO POINTS IN MINNESOTA, NORTH  
DAKOTA, AND SOUTH DAKOTA

APPLICATION FOR RELIEF

MARCH 22, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed jointly by: The Great Northern Railway Company, the Minneapolis, St. Paul & Sault Ste. Marie Railroad Company, and the Northern Pacific Railway Company, for themselves and carriers parties to tariff schedules listed below.

Commodities involved: Gasolines, naphtha, distillate fuel oil, and refined oils, in carloads.

From: Duluth, Minn.

To: Specified points in Minnesota, North Dakota, and South Dakota.

Grounds for relief: Circuitous routes, and market competition.

Schedules filed containing proposed rates: Great Northern Railway tariff I. C. C. A-8163, supp. 99; Minneapolis,



St. Paul & Sault Ste. Marie Railroad tariff I. C. C. 7189, supp. 94; Northern Pacific Railway tariff I. C. C. 9602, supp. 96.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F. R. Doc. 55-2443; Filed, Mar. 24, 1955;  
8:48 a. m.]

[4th Sec. Application 30378]

PETROLEUM PRODUCTS FROM DULUTH, MINN., TO POINTS IN MINNESOTA, NORTH DAKOTA, AND SOUTH DAKOTA

APPLICATION FOR RELIEF

MARCH 22, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the aggregate-of-intermediates provision of section 4 (1) of the Interstate Commerce Act.

Filed jointly by: The Duluth, Missabe and Iron Range Railway Company, for itself and by other carriers parties to the schedules listed below.

Commodities involved: Gasoline, naphtha, fuel and refined oils, carloads.

From: Duluth, Minn.

To: Specified points in Minnesota, North Dakota, and South Dakota.

Grounds for relief: Circuitous routes, and market competition.

Schedules filed containing proposed rates: Duluth, Missabe and Iron Range Ry. I. C. C. A-112, sup. 10; Duluth, Winnipeg and Pacific Railway I. C. C. 286, sup. 141; Great Northern Ry. Company, I. C. C. A-8163, sup. 99; Minneapolis, St. Paul & S. S. M. RR Co., I. C. C. 7189, sup. 94; Northern Pacific Railway Company, I. C. C. 9602, sup. 96.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

tion of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F. R. Doc. 55-2444; Filed, Mar. 24, 1955;  
8:48 a. m.]

[4th Sec. Application 30379]

LATEX FROM AKRON, OHIO, TO BUTTERFIELD AND NATIONAL, ARK.

APPLICATION FOR RELIEF

MARCH 22, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Latex (liquid crude rubber), in tank-car loads.

From: Akron, Ohio.

To: Butterfield and National, Ark.

Grounds for relief: Circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. 4035, supp. 78.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F. R. Doc. 55-2445; Filed, Mar. 24, 1955;  
8:48 a. m.]

[4th Sec. Application 30381]

SYRUP FROM EAST ST. LOUIS AND GRANITE CITY, ILL., AND ST. LOUIS, MO., TO BRISTOL, VA.-TENN.

APPLICATION FOR RELIEF

MARCH 22, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. 4542, pursuant to fourth-section order No. 17220.

Commodities involved: Corn syrup (dehydrated), carloads.

From: East St. Louis and Granite City, Ill., and St. Louis, Mo.

To: Bristol, Va.-Tenn.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F. R. Doc. 55-2447; Filed, Mar. 24, 1955;  
8:48 a. m.]

[4th Sec. Application 30382]

AUTOMOBILE PARTS FROM HUNTINGTON, W. VA., TO NEW YORK, N. Y.

APPLICATION FOR RELIEF

MARCH 22, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. 4542, pursuant to fourth-section order No. 17220.

Commodities involved: Automobile bumpers and bumper fittings, carloads.

From: Huntington, W. Va.

To: New York, N. Y.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F. R. Doc. 55-2448; Filed, Mar. 24, 1955;  
8:48 a. m.]